

CHAPTER 272C

REGULATION OF LICENSED PROFESSIONS AND OCCUPATIONS

Referred to in §105.22, 105.23, 135.105A, 147.55, 147A.7, 148.6, 148.14, 148C.13, 148F.3, 148G.5, 148G.8, 151.9, 152.4, 152.11, 153.33, 153.34, 154C.4, 154D.3, 154E.3, 155.9, 155A.6A, 155A.6B, 203.16, 203C.24, 235B.16, 542.3, 542.17, 543D.5, 543D.12, 543D.17

Identifying and reporting of dependent adult abuse to be included in continuing education; see §235B.16

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272C.1 Definitions.

1. "Continuing education" means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational societies, and by other similar means as authorized by the board.

2. "Disciplinary proceeding" means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

3. "Inactive licensee re-entry" means that process a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

4. "Licensee discipline" means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

5. The term "licensing" and its derivations include the terms "registration" and "certification" and their derivations.

6. "Licensing board" or "board" includes the following boards:

a. The state board of engineering and land surveying examiners, created pursuant to chapter 542B.

b. The board of examiners of shorthand reporters created pursuant to article 3 of chapter 602.

c. The Iowa accountancy examining board, created pursuant to chapter 542.

d. The Iowa real estate commission, created pursuant to chapter 543B.

e. The board of architectural examiners, created pursuant to chapter 544A.

f. The Iowa board of landscape architectural examiners, created pursuant to chapter 544B.

g. The board of barbering, created pursuant to chapter 147.

h. The board of chiropractic, created pursuant to chapter 147.

i. The board of cosmetology arts and sciences, created pursuant to chapter 147.

j. The dental board, created pursuant to chapter 147.

k. The board of mortuary science, created pursuant to chapter 147.

- l. The board of medicine, created pursuant to [chapter 147](#).
- m. The board of physician assistants, created pursuant to [chapter 148C](#).
- n. The board of nursing, created pursuant to [chapter 147](#).
- o. The board of nursing home administrators, created pursuant to [chapter 155](#).
- p. The board of optometry, created pursuant to [chapter 147](#).
- q. The board of pharmacy, created pursuant to [chapter 147](#).
- r. The board of physical and occupational therapy, created pursuant to [chapter 147](#).
- s. The board of podiatry, created pursuant to [chapter 147](#).
- t. The board of psychology, created pursuant to [chapter 147](#).
- u. The board of speech pathology and audiology, created pursuant to [chapter 147](#).
- v. The board of hearing aid specialists, created pursuant to [chapter 154A](#).
- w. The board of veterinary medicine, created pursuant to [chapter 169](#).
- x. The director of the department of natural resources in certifying water treatment operators as provided in [sections 455B.211 through 455B.224](#).
- y. Any professional or occupational licensing board created after January 1, 1978.
- z. The board of respiratory care and polysomnography in licensing respiratory care practitioners pursuant to [chapter 152B](#), respiratory care and polysomnography practitioners pursuant to [chapter 152B](#), and polysomnographic technologists pursuant to [chapter 148G](#).
  - aa. The board of athletic training in licensing athletic trainers pursuant to [chapter 152D](#).
  - ab. The board of massage therapy in licensing massage therapists pursuant to [chapter 152C](#).
  - ac. The board of sign language interpreters and transliterators, created pursuant to [chapter 154E](#).
  - ad. The director of public health in certifying emergency medical care providers and emergency medical care services pursuant to [chapter 147A](#).
  - ae. The plumbing and mechanical systems board, created pursuant to [chapter 105](#).
  - af. The department of public safety, in licensing fire protection system installers and maintenance workers pursuant to [chapter 100D](#).
  - ag. The superintendent of the division of banking of the department of commerce in registering and supervising appraisal management companies pursuant to [chapter 543E](#).
- 7. “*Malpractice*” means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of the licensee’s occupation or profession, pursuant to [this chapter](#).
- 8. “*Offense directly relates*” refers to either of the following:
  - a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.
  - b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.
- 9. “*Peer review*” means evaluation of professional services rendered by a professional practitioner.
- 10. “*Peer review committee*” means one or more persons acting in a peer review capacity pursuant to [this chapter](#).

[C79, 81, §258A.1]

83 Acts, ch 186, §10063, 10201; 84 Acts, ch 1067, §26; 87 Acts, ch 165, §3; 88 Acts, ch 1134, §61; 88 Acts, ch 1225, §25; 89 Acts, ch 83, §36; 90 Acts, ch 1193, §8; 92 Acts, ch 1205, §23

C93, §272C.1

94 Acts, ch 1132, §32; 96 Acts, ch 1036, §40; 98 Acts, ch 1053, §41, 42; 2001 Acts, ch 16, §1, 37; 2001 Acts, ch 55, §25, 38; 2004 Acts, ch 1110, §1; 2004 Acts, ch 1175, §430, 433; 2005 Acts, ch 3, §57; 2006 Acts, ch 1184, §119; 2007 Acts, ch 10, §171; 2007 Acts, ch 218, §205; 2007 Acts, ch 198, §31; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §14, 18; 2009 Acts, ch 151, §31; 2010 Acts, ch 1037, §15; 2015 Acts, ch 57, §17; 2015 Acts, ch 70, §16; 2016 Acts, ch 1124, §21, 32; 2020 Acts, ch 1103, §23, 31

Referred to in §232.69, 235B.16, 622.31

**272C.2 Continuing education required.**

1. Each licensing board shall require and issue rules for continuing education requirements as a condition to license renewal.

2. The rules shall create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. Such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee reentry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

3. The state board of engineering and land surveyors, the board of architectural examiners, the board of landscape architectural examiners, and the economic development authority shall cooperate with each other and with persons who typically offer continuing education courses for design professionals to make available energy efficiency related continuing education courses, and to encourage interdisciplinary cooperation and education concerning available energy efficiency strategies for employment in the state's construction industry.

4. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board.

5. A person licensed to sell real estate in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, if the state or district accords the same privilege to Iowa residents, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board.

[C79, 81, §258A.2]

[89 Acts, ch 292, §5](#); [90 Acts, ch 1252, §16](#)

[C93, §272C.2](#)

[2007 Acts, ch 10, §172](#); [2009 Acts, ch 108, §13, 41](#); [2011 Acts, ch 118, §50, 89](#)

Referred to in [§105.20](#), [153.36](#), [155A.6A](#), [155A.6B](#), [543D.16](#)

**272C.2A Continuing education minimum requirements — cosmetology arts and sciences.**

The board of cosmetology arts and sciences created pursuant to [chapter 147](#) shall require as a condition of license renewal a minimum of six hours of continuing education in the two

years immediately prior to a licensee's license renewal. The board of cosmetology arts and sciences may notify cosmetology arts and sciences licensees on a quarterly basis regarding continuing education opportunities.

[88 Acts, ch 1274, §40](#)

C89, §258A.2A

[92 Acts, ch 1205, §24](#)

C93, §272C.2A

[2007 Acts, ch 10, §173](#); [2015 Acts, ch 63, §2](#)

#### **272C.2B Continuing education minimum requirements — mortuary science.**

1. The board of mortuary science, created pursuant to [chapter 147](#), shall require, as a condition of license renewal, a minimum number of hours of continuing education in the two years immediately prior to a licensee's license renewal as prescribed by rule.

2. A person licensed to practice mortuary science in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the board of mortuary science.

[2010 Acts, ch 1067, §1](#)

#### **272C.2C Continuing education minimum requirements — medicine and surgery and osteopathic medicine and surgery, nursing, dentistry, podiatry, and physician assistants.**

1. The board of medicine, board of dentistry, board of physician assistants, board of podiatry, and board of nursing shall establish rules requiring a person licensed pursuant to [section 148.3](#), [148C.3](#), [149.3](#), or [152.6](#) or [chapter 153](#) who has prescribed opioids to a patient during the previous licensure cycle to receive continuing education credits regarding the United States centers for disease control and prevention guideline for prescribing opioids for chronic pain, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options, as a condition of license renewal. Each licensing board shall have the authority to determine how often a licensee must receive continuing education credits.

2. The rules established pursuant to [this section](#) shall include the option for a licensee to attest as part of the license renewal process that the licensee is not subject to the requirement to receive continuing education credits pursuant to [this section](#), due to the fact that the licensee did not prescribe opioids to a patient during the previous licensure cycle.

[2018 Acts, ch 1138, §22](#)

#### **272C.3 Authority of licensing boards.**

1. Notwithstanding any other provision of [this chapter](#), each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules provided for in [this chapter](#) and any other statute to which the licensing board is subject.

b. Adopt and enforce administrative rules which provide for the partial reexamination of the professional licensing examinations given by each licensing board.

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline.

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted. Notwithstanding the provisions of [chapter 17A](#), a determination by a licensing board that an investigation is not warranted or that an investigation should be closed without initiating a disciplinary proceeding is not subject to judicial review pursuant to [section 17A.19](#).

e. Initiate and prosecute disciplinary proceedings.

f. Impose licensee discipline.

g. Petition the district court for enforcement of its authority with respect to licensees

or with respect to other persons violating the laws which the board is charged with administering.

*h.* Register or establish and register peer review committees.

*i.* Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

*j.* Determine and administer the renewal of licenses for periods not exceeding three years.

*k.* Establish a licensee review committee for the purpose of evaluating and monitoring licensees who are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability, and who self-report the impairment to the committee, or who are referred by the board to the committee. Members of the committee shall receive actual expenses for the performance of their duties and shall be eligible to receive per diem compensation pursuant to [section 7E.6](#). The board shall adopt rules for the establishment and administration of the committee, including but not limited to establishment of the criteria for eligibility for referral to the committee and the grounds for disciplinary action for noncompliance with committee decisions. Information in the possession of the board or the licensee review committee, under this paragraph, shall be subject to the confidentiality requirements of [section 272C.6](#). Referral of a licensee by the board to a licensee review committee shall not relieve the board of any duties of the board and shall not divest the board of any authority or jurisdiction otherwise provided. A licensee who violates [section 272C.10](#) or the rules of the board while under review by the licensee review committee shall be referred to the board for appropriate action.

2. Each licensing board may impose one or more of the following as licensee discipline:

*a.* Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in [section 100D.5](#), [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [152.10](#), [153.34](#), [154A.24](#), [169.13](#), [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or [602.3203](#) or [chapter 151](#) or [155](#), as applicable, or upon any other grounds specifically provided for in [this chapter](#) for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline.

*b.* Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of professional and occupational care.

*c.* Impose a period of probation under specified conditions, whether or not in conjunction with other sanctions.

*d.* Require additional professional education or training, or reexamination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension.

*e.* Impose civil penalties by rule, if the rule specifies which offenses or acts are subject to civil penalties. The amount of civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars. Failure to comply with the imposition of a civil penalty may be grounds for further license discipline.

*f.* Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by [this section](#) upon a licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a licensing board conferred by [this section](#), nor shall the powers of such other person be deemed limited by the provisions of [this section](#).

4. *a.* Nothing contained in [this section](#) shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However,

licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

b. All health care boards shall file written decisions which specify the sanction entered by the board with the Iowa department of public health which shall be available to the public upon request. All non-health care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

[C79, 81, §258A.3]

83 Acts, ch 186, §10064, 10201; 84 Acts, ch 1056, §1; 84 Acts, ch 1067, §27; 86 Acts, ch 1245, §1880; 90 Acts, ch 1086, §16

C93, §272C.3

95 Acts, ch 72, §1; 2000 Acts, ch 1008, §10; 2001 Acts, ch 16, §2, 37; 2001 Acts, ch 55, §26, 38; 2002 Acts, ch 1108, §26; 2002 Acts, ch 1119, §149; 2003 Acts, ch 78, §6; 2004 Acts, ch 1110, §2; 2004 Acts, ch 1176, §13; 2007 Acts, ch 198, §32; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §15, 18; 2009 Acts, ch 41, §263

Referred to in §147.106, 148.6, 153.34, 155A.18, 155A.39, 169.20, 272C.4, 272C.6, 543B.48, 543D.17

Civil penalty for real estate brokers and salespersons, see §543B.48

#### 272C.4 Duties of board.

Each licensing board shall have the following duties in addition to other duties specified by [this chapter](#) or elsewhere in the Code:

1. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board.

2. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board.

3. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board if a peer review committee is established.

4. Establish procedures for registration with the board of peer review committees if a peer review committee is established.

5. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board if a peer review committee is established.

6. Define by rule acts or omissions that are grounds for revocation or suspension of a license under [section 100D.5](#), [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [152.10](#), [153.34](#), [154A.24](#), [169.13](#), [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or [602.3203](#) or [chapter 151](#) or [155](#), as applicable, and to define by rule acts or omissions that constitute negligence, careless acts, or omissions within the meaning of [section 272C.3, subsection 2](#), paragraph “b”, which licensees are required to report to the board pursuant to [section 272C.9, subsection 2](#).

7. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to [subsection 6](#).

8. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency.

9. Require each health care licensing board to file with the Iowa department of public health a copy of each decision of the board imposing licensee discipline. Each non-health care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

10. Adopt rules under [chapter 17A](#) to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

11. Adopt rules by January 1, 2015, to provide credit towards qualifications for licensure to practice an occupation or profession in this state for education, training, and service obtained or completed by an individual while serving honorably on federal active duty, state

active duty, or national guard duty, as defined in [section 29A.1](#), to the extent consistent with the qualifications required by the appropriate licensing board. The rules shall also provide credit towards qualifications for initial licensure for education, training, or service obtained or completed by an individual while serving honorably in the military forces of another state or the organized reserves of the armed forces of the United States, to the extent consistent with the qualifications required by the appropriate licensing board.

12. *a.* Establish procedures by January 1, 2015, to expedite the licensing of an individual who is licensed in a similar profession or occupation in another state and who is a veteran, as defined in [section 35.1](#).

*b.* If the board determines that the professional or occupational licensing requirements of the state where the veteran is licensed are substantially equivalent to the licensing requirements of this state, the procedures shall require the licensing of the veteran in this state.

*c.* If the board determines that the professional or occupational licensing requirements of the state where the veteran is licensed are not substantially equivalent to the professional or occupational licensing requirements of this state, the procedures shall allow the provisional licensing of the veteran for a period of time deemed necessary by the board to obtain a substantial equivalent to the licensing requirements of this state. The board shall advise the veteran of required education or training necessary to obtain a substantial equivalent to the professional or occupational licensing requirements of this state, and the procedures shall provide for licensing of an individual who has, pursuant to this paragraph, obtained a substantial equivalent to the professional or occupational licensing requirements of this state.

13. Beginning December 15, 2016, annually file a report with the governor and the general assembly providing information and statistics on credit received by individuals for education, training, and service pursuant to [subsection 11](#) and information and statistics on licenses and provisional licenses issued pursuant to [subsection 12](#).

[C79, 81, §258A.4]

[83 Acts, ch 186, §10065, 10201; 84 Acts, ch 1067, §28; 90 Acts, ch 1086, §17](#)

C93, §272C.4

[97 Acts, ch 203, §16; 98 Acts, ch 1119, §8; 2000 Acts, ch 1008, §11; 2001 Acts, ch 16, §3, 37; 2001 Acts, ch 55, §27, 38; 2002 Acts, ch 1057, §1; 2002 Acts, ch 1111, §1; 2002 Acts, ch 1119, §150; 2004 Acts, ch 1110, §3; 2005 Acts, ch 89, §35; 2007 Acts, ch 198, §33; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §16, 18; 2010 Acts, ch 1069, §37; 2014 Acts, ch 1116, §34; 2019 Acts, ch 9, §4; 2019 Acts, ch 13, §2; 2020 Acts, ch 1103, §24, 31](#)

Referred to in [§272C.9](#)

### **272C.5 Licensee disciplinary procedure — rulemaking delegation.**

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under [subsection 1](#) of [this section](#):

*a.* Shall comply with the provisions of [chapter 17A](#).

*b.* Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

*c.* Shall state whether the procedures are an alternative to or an addition to the procedures stated in [sections 100D.5, 105.23, 105.24, 148.6 through 148.9, 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16](#).

*d.* Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

[C79, 81, §258A.5]

[87 Acts, ch 215, §45](#)

C93, §272C.5

[2000 Acts, ch 1008, §12; 2001 Acts, ch 55, §28, 38; 2002 Acts, ch 1108, §27; 2007 Acts, ch 198, §34; 2008 Acts, ch 1088, §116; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §17, 18](#)

**272C.6 Hearings — power of subpoena — decisions.**

1. Disciplinary hearings held pursuant to [this chapter](#) shall be heard by the board sitting as the hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to [subsection 2](#). Notwithstanding [chapters 17A](#) and [21](#) a disciplinary hearing shall be open to the public at the discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. *a.* The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on the licensee's behalf.

(1) A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

(2) Nothing in [this subsection](#) shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by [section 622.10](#).

(3) In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court the person may be found guilty of contempt of court.

*b.* The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. *a.* In order to assure a free flow of information for accomplishing the purposes of [this section](#), and notwithstanding [section 622.10](#), all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the coordinated licensure information system provided for in the nurse licensure compact contained in [section 152E.1](#) or the advanced practice registered nurse compact contained in [section 152E.3](#), the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in [section 272C.3, subsection 4](#), is a public record.

*b.* Pursuant to the provisions of [section 17A.19, subsection 6](#), a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

*c.* Notwithstanding the provisions of [section 17A.19, subsection 6](#), if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.



5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

6. *a.* A board created pursuant to [chapter 147](#), [154A](#), [155](#), [169](#), [542](#), [542B](#), [543B](#), [543D](#), [544A](#), or [544B](#) may charge a fee not to exceed seventy-five dollars for conducting a disciplinary hearing pursuant to [this chapter](#) which results in disciplinary action taken against the licensee by the board, and in addition to the fee, may recover from a licensee the costs for the following procedures and associated personnel:

- (1) Transcript.
- (2) Witness fees and expenses.
- (3) Depositions.
- (4) Medical examination fees incurred relating to a person licensed under [chapter 147](#), [154A](#), [155](#), or [169](#).

*b.* The department of agriculture and land stewardship, the department of commerce, and the Iowa department of public health shall each adopt rules pursuant to [chapter 17A](#) which provide for the allocation of fees and costs collected pursuant to [this section](#) to the board under its jurisdiction collecting the fees and costs. The fees and costs shall be considered repayment receipts as defined in [section 8.2](#).

[C79, 81, §258A.6; 82 Acts, ch 1005, §8]

86 Acts, ch 1211, §15; 92 Acts, ch 1125, §1

C93, §272C.6

2000 Acts, ch 1008, §13; 2001 Acts, ch 55, §29, 38; 2005 Acts, ch 53, §10; 2010 Acts, ch 1061, §94

Referred to in [§105.23](#), [139A.22](#), [147.135](#), [147A.24](#), [148.2A](#), [148.7](#), [153.36](#), [155A.2A](#), [155A.39](#), [155A.40](#), [155A.45](#), [156.16](#), [203.16](#), [203C.24](#), [272C.3](#), [272C.7](#), [542.11](#), [543D.21](#), [543E.18](#), [543E.20](#), [546.10](#), [602.3205](#)

Board of medicine, see [§148.2A](#), [148.7](#)

#### **272C.7 Executive secretary and personnel.**

1. As an alternative to authority contained elsewhere in [this chapter](#), a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees of the board shall be employed subject to [chapter 8A](#), [subchapter IV](#). The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the director of the department of administrative services for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

3. Licensees appointed to serve on a hearing panel pursuant to [section 272C.6](#), [subsection 2](#), shall be compensated at the rate specified in [section 7E.6](#) for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

[C79, 81, §258A.7]

90 Acts, ch 1256, §43

C93, §272C.7

2003 Acts, ch 145, §233, 286

#### **272C.8 Immunities.**

1. *a.* A person shall not be civilly liable as a result of the person's acts, omissions, or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

*b.* A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony, or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

c. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent, or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

2. Any employer who violates the terms of [this section](#) shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

[C79, 81, §258A.8]

C93, §272C.8

[2010 Acts, ch 1069, §74](#)

### **272C.9 Duties of licensees.**

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical, 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, 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, mental, or clinical competency examination was made shall be taken to be established.

2. A licensee has a continuing duty to report to the licensing board by whom the person is licensed those acts or omissions specified by rule of the board pursuant to [section 272C.4, subsection 6](#), when committed by another person licensed by the same licensing board. [This subsection](#) does not apply to licensees under [chapter 542](#) when the observations are a result of participation in programs of practice review, peer review and quality review conducted by professional organizations of certified public accountants, for educational purposes and approved by the accountancy examining board.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which the licensee is licensed every adverse judgment in a professional or occupational malpractice action to which the licensee is a party, and every settlement of a claim against the licensee alleging malpractice.

4. A licensee who willfully fails to comply with [subsection 2 or 3](#) of [this section](#) commits a violation of [this chapter](#) for which licensee discipline may be imposed.

[C79, 81, §258A.9; [81 Acts, ch 84, §1](#)]

C93, §272C.9

[2001 Acts, ch 55, §30, 38; 2005 Acts, ch 89, §36](#)

Referred to in [§135P.4, 272C.4, 543E.12](#)

### **272C.10 Rules for revocation or suspension of license.**

A licensing board established after January 1, 1978, and pursuant to the provisions of [this chapter](#) shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory, or country. Conviction as used in [this subsection](#) includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication

of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.

6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of [this chapter](#).

[C79, 81, §258A.10]

C93, §272C.10

[2020 Acts, ch 1103, §25, 31](#)

Referred to in [§152D.6, 156.9, 272C.3, 542.10, 543E.17](#)

#### **272C.11 Insurers of professional and occupational licensees — reports.**

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 any lawsuit filed against a licensee which may affect the licensee as defined by rule, involving an insured of the insurer.

[2010 Acts, ch 1069, §38](#)

#### **272C.12 Licensure of persons licensed in other jurisdictions.**

1. Notwithstanding any other provision of law, an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, shall be issued without an examination to a person who establishes residency in this state or to a person who is married to an active duty member of the military forces of the United States and who is accompanying the member on an official permanent change of station to a military installation located in this state if all of the following conditions are met:

a. The person is currently licensed, certified, or registered by at least one other issuing jurisdiction in the occupation or profession applied for with a substantially similar scope of practice and the license, certificate, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.

b. The person has been licensed, certified, or registered by another issuing jurisdiction for at least one year.

c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience and clinical supervision requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.

d. The person previously passed an examination required by the other issuing jurisdiction for licensure, certification, or registration, if applicable.

e. The person has not had a license, certificate, or registration revoked and has not voluntarily surrendered a license, certificate, or registration in any other issuing jurisdiction or country while under investigation for unprofessional conduct.

f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the appropriate licensing board shall determine if the cause for the action was corrected and the matter resolved. If the licensing board determines that the matter has not been resolved by the jurisdiction imposing discipline, the licensing board shall not issue or deny a license, certificate, or registration to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the appropriate licensing board shall not issue or deny a license, certificate, or registration to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the license, certificate, or registration applied for in this state.

2. A person licensed pursuant to [this section](#) is subject to the laws regulating the person's practice in this state and is subject to the jurisdiction of the appropriate licensing board.

3. [This section](#) does not apply to any of the following:

a. The ability of a licensing board, agency, or department to require the submission of fingerprints or completion of a criminal history check.

b. Criteria for a license, certificate, or registration that is established by an interstate compact.

c. The ability of a licensing board, agency, or department to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. A licensing board, agency, or department that requires an applicant to take and pass an examination specific to the laws of this state shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

d. A license issued by the department of transportation.

e. A person who is licensed by another issuing jurisdiction and is granted a privilege to practice in this state by another provision of law without receiving a license in this state.

f. A person applying for a license through a national licensing organization.

4. A license, certificate, or registration issued pursuant to [this section](#) does not grant the person receiving the license, certificate, or registration eligibility to practice pursuant to an interstate compact. A licensing board shall determine eligibility for a person to hold a license, certificate, or registration pursuant to [this section](#) regardless of the person's eligibility to practice pursuant to an interstate compact.

5. For the purposes of [this section](#), "issuing jurisdiction" means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

[2020 Acts, ch 1103, §26, 31](#)

#### **272C.13 Educational requirements — work experience.**

1. Except as provided in [subsection 2](#), a person applying for a professional or occupational license, certificate, or registration in this state who relocates to this state from another state that did not require a professional or occupational license, certificate, or registration to practice the person's profession or occupation may be considered to have met any education, training, or work experience requirements imposed by a licensing board in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the board.

2. [This section](#) does not apply to a license, certificate, or registration issued by the board of medicine, the board of nursing, the dental board, the board of pharmacy, or the board of educational examiners.

3. If this Code or administrative rules require a person applying for a professional or occupational license, certificate, or registration in this state to pass an examination to obtain the license, certificate, or registration, a person applying for licensure, certification, or registration under [this section](#) shall be required to pass the same examination.

[2020 Acts, ch 1103, §27, 31](#)

#### **272C.14 Waiver of fees.**

A licensing board, agency, or department shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

[2020 Acts, ch 1103, §28, 31](#)

#### **272C.15 Disqualifications for criminal convictions limited.**

1. Notwithstanding any other provision of law to the contrary, except for [chapter 272](#), a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the appropriate licensing board, agency, or department does not grant an exception pursuant to [subsection 4](#).

2. A licensing board, agency, or department that may deny a license on the basis of an applicant's conviction record shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

3. A licensing board, agency, or department shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on other similar basis.

4. A licensing board, agency, or department shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

a. The nature and seriousness of the crime for which the applicant was convicted.

b. The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [section 702.11](#), or domestic abuse assault in violation of [section 708.2A](#), and the applicant has not been convicted of another crime after release from incarceration.

c. The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions surrounding the commission of the offense.

d. The age of the applicant at the time the offense was committed.

e. Any treatment undertaken by the applicant.

f. Whether a certification of employability has been issued to the applicant pursuant to [section 906.19](#).

g. Any letters of reference submitted on behalf of the applicant.

h. All other relevant evidence of rehabilitation and present fitness of the applicant.

5. An applicant may petition the relevant licensing board, agency, or department, in a form prescribed by the board, agency, or department, for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The board, agency, or department shall issue such a determination at the next regularly scheduled meeting of the board, agency, or department or within thirty days of receiving the petition, whichever is later. The board, agency, or department shall hold a closed session while determining whether an applicant's criminal record will prevent the applicant from receiving a license and while determining whether to deny an applicant's application on the basis of an applicant's criminal conviction. A board, agency, or department may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed twenty-five dollars.

6. a. A licensing board, agency, or department that denies an applicant a license solely or partly because of the applicant's prior conviction of a crime shall notify the applicant in writing of all of the following:

(1) The grounds for the denial or disqualification.

(2) That the applicant has the right to a hearing to challenge the licensing authority's decision.

(3) The earliest date the applicant may submit a new application.

(4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

b. A determination by a licensing board, agency, or department that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in [subsection 4](#) sufficient for a review by a court.

c. In any administrative or civil hearing authorized by [this section](#) or [chapter 17A](#), a licensing board, agency, or department shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

7. A board, agency, or department may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an

application. A board, agency, or department may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of [this subsection](#), "complete criminal record" includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

[2020 Acts, ch 1103, §29, 31](#)

#### **272C.16 Apprenticeships — licensure.**

1. Notwithstanding any provision of law to the contrary, except as provided in [chapters 100C, 100D, 103, and 105](#), beginning on January 1, 2022, a board shall grant a license to a person who completes an apprenticeship program in the relevant occupation or profession and submits an application pursuant to [this section](#).

2. A board may require an applicant to pass an examination prior to licensure if the board requires an applicant who has completed an educational program to pass an examination prior to licensure. A board shall not require an applicant to receive a higher score on the examination than the score required of an applicant who completes an educational program.

3. A board may require an applicant to pay a licensing fee if the board requires an applicant who has completed an educational program to pay a licensing fee. A board shall not impose a licensing fee greater than the licensing fee imposed on an applicant who completes an educational program.

4. A board shall not require an applicant to complete an apprenticeship program of a greater duration than is required by federal law for that program.

5. For the purposes of [this section](#), "apprenticeship program" means the same as defined in [section 15B.2](#).

6. *a.* A board shall adopt rules to implement [this section](#) upon receipt of a petition for rulemaking submitted pursuant to [section 17A.7](#).

*b.* A board shall not grant a license pursuant to [this section](#) prior to the effective date of rules adopted by the board to implement [this section](#).

[2021 Acts, ch 115, §1, 2](#)

Section effective January 1, 2022; 2021 Acts, ch 115, §2

NEW section