



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 18, 2008

House File 2284 - Introduced

HOUSE FILE
BY STRUYK

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

A BILL FOR

- 1 An Act regulating grain transactions by grain dealers and
- 2 warehouse operators, and providing for the administration of
- 3 the grain indemnity fund.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6074HH 82
- 6 da/nh/5



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1 1 Section 1. Section 203.1, subsection 7, Code Supplement
1 2 2007, is amended to read as follows:
1 3 7. "Financial institution" means a any of the following:
1 4 a. A bank or savings and loan association authorized by
1 5 the laws of this state, any other state, of Iowa or by the
1 6 ~~laws of the United States, which is a member of the federal~~
1 7 ~~deposit insurance corporation or the federal savings and loan~~
1 8 ~~insurance corporation, respectively; or the national.~~
1 9 b. A bank for cooperatives established in the Agricultural
1 10 Credit Act, Pub. L. No. 100-233 or association chartered by
1 11 the farm credit system under the federal Farm Credit Act, as
1 12 amended, 12 U.S.C. ch. 23.
1 13 Sec. 2. Section 203.1, Code Supplement 2007, is amended by
1 14 adding the following new subsection:
1 15 NEW SUBSECTION. 14. "Warehouse operator" means the same
1 16 as defined in section 203C.1.
1 17 Sec. 3. Section 203.3, subsection 4, paragraph b,
1 18 unnumbered paragraph 1, Code 2007, is amended to read as
1 19 follows:
1 20 The grain dealer shall submit, as required by the
1 21 department, a financial statement that is accompanied by an
1 22 unqualified opinion based upon an audit performed by a
1 23 certified public accountant licensed in this state. However,
1 24 the department may accept a qualification in an opinion that
1 25 is unavoidable by any audit procedure that is permitted under
1 26 generally accepted accounting principles. An opinion that is
1 27 qualified because of a limited audit procedure or because the
1 28 scope of an audit is limited shall not be accepted by the
1 29 department. The department shall not require that a grain
1 30 dealer submit more than one such unqualified opinion per year.
1 31 The grain dealer, except as provided in section 203.15, may
1 32 elect to submit a financial statement that is accompanied by
1 33 the report of a certified public accountant licensed in this
1 34 state that is based upon a review performed by the certified
1 35 public accountant in lieu of the audited financial statement



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2 1 specified in this paragraph. However, at any time the
2 2 department may require a financial statement that is
2 3 accompanied by the report of a certified public accountant
2 4 licensed in this state that is based upon a review performed
2 5 by a certified public accountant if the department has good
2 6 cause. A grain dealer shall submit financial statements to
2 7 the department in addition to those required in this paragraph
2 8 if the department determines that it is necessary to verify
2 9 the grain dealer's financial status or compliance with this
2 10 subsection.

2 11 Sec. 4. Section 203.3, subsection 5, paragraph b,
2 12 unnumbered paragraph 1, Code 2007, is amended to read as
2 13 follows:

2 14 The grain dealer shall submit, as required by the
2 15 department, a financial statement that is accompanied by an
2 16 unqualified opinion based upon an audit performed by a
2 17 certified public accountant licensed in this state. However,
2 18 the department may accept a qualification in an opinion that
2 19 is unavoidable by any audit procedure that is permitted under
2 20 generally accepted accounting principles. An opinion that is
2 21 qualified because of a limited audit procedure or because the
2 22 scope of an audit is limited shall not be accepted by the
2 23 department. The department shall not require that a grain
2 24 dealer submit more than one such unqualified opinion per year.
2 25 The grain dealer may elect, however, to submit a financial
2 26 statement that is accompanied by the report of a certified
2 27 public accountant licensed in this state that is based upon a
2 28 review performed by the certified public accountant in lieu of
2 29 the audited financial statement specified in this paragraph.
2 30 However, at any time the department may require a financial
2 31 statement that is accompanied by the report of a certified
2 32 public accountant licensed in this state that is based upon a
2 33 review performed by a certified public accountant if the
2 34 department has good cause. A grain dealer shall submit
2 35 financial statements to the department in addition to those



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3 1 required in this paragraph if the department determines that
3 2 it is necessary to verify the grain dealer's financial status
3 3 or compliance with this section.

3 4 Sec. 5. Section 203.11B, subsection 4, paragraph d, Code
3 5 2007, is amended to read as follows:

3 6 d. The findings and recommendations of the panel shall be
3 7 included in a response delivered to the department and the
3 8 person subject to the civil penalty. The response may include
3 9 a recommendation that a proposed civil penalty be modified or
3 10 suspended, that an alternative method of collection be
3 11 instituted, or that conditions be placed upon the license of a
3 12 grain dealer as provided in section 203.3 or the license of a
3 13 warehouse operator as provided in section 203C.6.

3 14 Sec. 6. Section 203.15, subsection 4, paragraph b, Code
3 15 2007, is amended to read as follows:

~~3 16 b. A grain dealer holding a federal or state warehouse~~
~~3 17 license who is also a warehouse operator licensed by the~~
3 18 department under chapter 203C or the United States department
3 19 of agriculture under the United States Warehouse Act, 7 U.S.C.
3 20 241 et seq., and who does not have a sufficient quantity or
3 21 quality of grain to satisfy the warehouse operator's
3 22 obligations based on an examination by the department or the
3 23 United States department of agriculture shall not purchase
3 24 grain on credit-sale contract to correct the shortage of
3 25 grain.

3 26 Sec. 7. Section 203.15, subsection 5, paragraphs a and b,
3 27 Code 2007, are amended to read as follows:

~~3 28 a. The grain dealer holding a federal or state warehouse~~
~~3 29 license who is also a warehouse operator licensed by the~~
3 30 department under chapter 203C or the United States department
3 31 of agriculture under the United States Warehouse Act, 7 U.S.C.
3 32 241 et seq., does not have a sufficient quantity or quality of
3 33 grain to satisfy the warehouse operator's obligations based on
3 34 an examination by the department or the United States
3 35 department of agriculture.



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4 1 b. The grain dealer ~~holding a state or federal warehouse~~
4 2 ~~license who is also a warehouse operator licensed by the~~
4 3 ~~department under chapter 203C or the United States department~~
4 4 ~~of agriculture under the United States Warehouse Act, 7 U.S.C.~~
4 5 ~~241 et seq., issues back to the grain dealer a warehouse~~
4 6 ~~receipt for purposes of providing collateral, if the grain~~
4 7 ~~which is the subject of the warehouse receipt was purchased on~~
4 8 ~~credit and is unpaid for by the grain dealer.~~

4 9 Sec. 8. Section 203.17, Code 2007, is amended to read as
4 10 follows:

4 11 203.17 ~~STANDARDIZATION OF RECORDS AND DOCUMENTS AND~~
4 12 ~~RECORDS.~~

4 13 1. The department may adopt rules specifying the form,
4 14 content, ~~and~~ use, and maintenance of documents issued by a
4 15 grain dealer under this chapter including but not limited to
4 16 scale tickets, settlement sheets, daily position records, and
4 17 credit-sale contracts. The department may adopt rules for
4 18 both printed and electronic documents, including rules for the
4 19 transmission, receipt, authentication, and archiving of
4 20 electronically generated or stored documents.

4 21 2. All scale ticket forms in the possession of a grain
4 22 dealer shall have been permanently and consecutively numbered
4 23 at the time of printing. A grain dealer shall maintain an
4 24 accurate record of all scale ticket numbers. The record shall
4 25 include the disposition of each numbered form, whether issued,
4 26 destroyed, or otherwise disposed of.

4 27 Sec. 9. Section 203C.1, subsection 9, Code 2007, is
4 28 amended by striking the subsection and inserting the
4 29 following:

4 30 9. "Financial institution" means the same as defined in
4 31 section 203.1.

4 32 Sec. 10. Section 203C.5, Code 2007, is amended to read as
4 33 follows:

4 34 203C.5 RULES == DOCUMENTS AND FORMS.

4 35 1. The department shall adopt rules as it deems necessary



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5 1 for the efficient administration of this chapter, and may
5 2 designate an employee or officer of the department to act for
5 3 the department in any details connected with administration,
5 4 including the issuance of licenses and approval of deficiency
5 5 bonds or irrevocable letters of credit in the name of the
5 6 department, but not including matters requiring a public
5 7 hearing or suspension or revocation of licenses.

5 8 2. a. The department may adopt rules specifying the form,
5 9 content, and use of documents issued by a warehouse operator
5 10 under this chapter including but not limited to scale tickets,
5 11 warehouse receipts, settlement sheets, and daily position
5 12 records, ~~shipping ledgers, and other documents used by~~
5 13 ~~licensed warehouses.~~ The department may adopt rules for both
5 14 printed and electronic documents, including rules for the
5 15 transmission, receipt, authentication, and archiving of
5 16 electronically generated or stored documents.

5 17 b. All scale ticket forms and warehouse receipt forms in
5 18 the possession of a warehouse operator shall have been
5 19 permanently and consecutively numbered at the time of
5 20 printing. A warehouse operator shall maintain an accurate
5 21 record of the numbers of these documents. The record shall
5 22 include the disposition of each form, whether issued,
5 23 destroyed, or otherwise disposed of. The department may by
5 24 rule require this use of prenumbered forms and recording for
5 25 documents other than scale tickets and warehouse receipts.

5 26 Sec. 11. Section 203C.6, subsection 4, paragraph b, Code
5 27 Supplement 2007, is amended to read as follows:

5 28 b. The warehouse operator shall submit, as required by the
5 29 department, a financial statement that is accompanied by an
5 30 unqualified opinion based upon an audit performed by a
5 31 certified public accountant licensed in this state. However,
5 32 the department may accept a qualification in an opinion that
5 33 is unavoidable by any audit procedure that is permitted under
5 34 generally accepted accounting principles. An opinion that is
5 35 qualified because of a limited audit procedure or because the



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6 1 scope of an audit is limited shall not be accepted by the
6 2 department. The department shall not require that a warehouse
6 3 operator submit more than one such unqualified opinion per
6 4 year. The warehouse operator may elect, however, to submit a
6 5 financial statement that is accompanied by the report of a
6 6 certified public accountant licensed in this state that is
6 7 based upon a review performed by the certified public
6 8 accountant in lieu of the audited financial statement
6 9 specified in this paragraph. However, at any time the
6 10 department may require a financial statement that is
6 11 accompanied by the report of a certified public accountant
6 12 licensed in this state that is based upon a review performed
6 13 by a certified public accountant if the department has good
6 14 cause. A warehouse operator shall submit financial statements
6 15 to the department in addition to those required in this
6 16 paragraph if the department determines that it is necessary to
6 17 verify the warehouse operator's financial status or compliance
6 18 with this subsection.

6 19 Sec. 12. Section 203C.6, subsection 5, paragraph b, Code
6 20 Supplement 2007, is amended to read as follows:

6 21 b. The warehouse operator shall submit, as required by the
6 22 department, a financial statement that is accompanied by an
6 23 unqualified opinion based upon an audit performed by a
6 24 certified public accountant licensed in this state. However,
6 25 the department may accept a qualification in an opinion that
6 26 is unavoidable by any audit procedure that is permitted under
6 27 generally accepted accounting principles. An opinion that is
6 28 qualified because of a limited audit procedure or because the
6 29 scope of an audit is limited shall not be accepted by the
6 30 department. The department shall not require that a warehouse
6 31 operator submit more than one such unqualified opinion per
6 32 year. The warehouse operator may elect, however, to submit a
6 33 financial statement that is accompanied by the report of a
6 34 certified public accountant licensed in this state that is
6 35 based upon a review performed by the certified public



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7 1 accountant in lieu of the audited financial statement
7 2 specified in this paragraph. However, at any time the
7 3 department may require a financial statement that is
7 4 accompanied by the report of a certified public accountant
7 5 licensed in this state that is based upon a review performed
7 6 by a certified public accountant if the department has good
7 7 cause. A warehouse operator shall submit financial statements
7 8 to the department in addition to those required in this
7 9 paragraph if the department determines that it is necessary to
7 10 verify the warehouse operator's financial status or compliance
7 11 with this subsection.

7 12 Sec. 13. Section 203D.1, subsections 3 and 9, Code 2007,
7 13 are amended to read as follows:

7 14 3. "Depositor" means a person who deposits grain in a
7 15 state licensed warehouse for storage, handling, or shipment,
7 16 or who is the owner or legal holder of an outstanding
7 17 warehouse receipt issued by a state licensed warehouse, or who
7 18 is lawfully entitled to possession of the grain.

7 19 9. "Seller" means a person who sells grain which the
7 20 person has produced or caused to be produced to a licensed
7 21 grain dealer, but excludes a person who executes a credit sale
7 22 contract as a seller as provided in section 203.15. However,
7 23 "seller" does not include a any of the following:

7 24 a. A person licensed as a grain dealer in any jurisdiction
7 25 who sells grain to a licensed grain dealer.

7 26 b. A person who sells grain that is not delivered within
7 27 or into this state.

7 28 Sec. 14. Section 203D.1, Code 2007, is amended by adding
7 29 the following new subsection:

7 30 NEW SUBSECTION. 6A. "Licensed warehouse" means the same
7 31 as defined in section 203C.1.

7 32 Sec. 15. Section 203D.3, subsection 3, paragraph a,
7 33 subparagraph (3), unnumbered paragraph 1, Code 2007, is
7 34 amended to read as follows:

7 35 For licensed warehouse operators ~~or participating federally~~



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~~8 1 licensed grain warehouses the following:~~
8 2 Sec. 16. Section 203D.4, subsection 1, Code 2007, is
8 3 amended to read as follows:
8 4 1. The Iowa grain indemnity fund board is established to
8 5 advise the department on matters relating to the fund and to
8 6 perform the duties provided it in this chapter. The board is
8 7 composed of the secretary of agriculture or a designee who
8 8 shall serve as president; the commissioner of insurance or a
8 9 designee who shall serve as secretary; the state treasurer or
8 10 a designee who shall serve as treasurer; and four
8 11 representatives of the grain industry appointed by the
8 12 governor, subject to confirmation by the senate, two of whom
8 13 shall be representatives of producers and who shall be
8 14 actively participating producers, and two of whom shall be
8 15 representatives of licensed grain dealers and licensed
8 16 warehouse operators and who shall be actively participating
8 17 licensed grain dealers and licensed warehouse operators, each
8 18 of whom shall be selected from a list of three nominations
8 19 made by the secretary of agriculture. The term of membership
8 20 of the grain industry representatives is three years, and the
8 21 representatives are eligible for reappointment. However, only
8 22 actively participating producers, and grain dealers and
8 23 warehouse operators are eligible for reappointment. The grain
8 24 industry representatives are entitled to a per diem as
8 25 specified in section 7E.6 for each day spent in the
8 26 performance of the duties of the board, plus actual expenses
8 27 incurred in the performance of those duties. Four members of
8 28 the board constitute a quorum, and the affirmative vote of
8 29 four members is necessary for any action taken by the board,
8 30 except that a lesser number may adjourn a meeting. A vacancy
8 31 in the membership of the board does not impair the rights of a
8 32 quorum to exercise all the rights and perform all the duties
8 33 of the board.
8 34 Sec. 17. Section 203D.6, subsection 1, paragraph b, Code
8 35 2007, is amended to read as follows:



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9 1 b. The filing of a petition in bankruptcy by a licensed
9 2 grain dealer or licensed warehouse operator.
9 3 Sec. 18. Section 203D.6, subsection 3, paragraph d, Code
9 4 2007, is amended to read as follows:
9 5 d. That the claim derives from a covered transaction. For
9 6 purposes of this paragraph, a claim derives from a covered
9 7 transaction if the claimant is a seller who transferred title
9 8 to the grain to ~~the~~ a licensed grain dealer other than by
9 9 credit sale contract within six months of the incurrence date,
9 10 or if the claimant is a depositor who delivered the grain to
9 11 ~~the~~ a licensed warehouse operator.
9 12 Sec. 19. Section 203D.6, Code 2007, is amended by adding
9 13 the following new subsection:
9 14 NEW SUBSECTION. 9. TIME LIMITATION ON CLAIMS.
9 15 a. A claim shall expire if five years after the board
9 16 determines that the claim is eligible, the claimant has failed
9 17 to do any of the following:
9 18 (1) Provide for the fund's subrogation or has failed to
9 19 render all necessary assistance to aid the department and the
9 20 board in securing the department's rights of subrogation as
9 21 required in this section.
9 22 (2) Failed to provide necessary documentation or
9 23 information required by the board in order to process the
9 24 claim.
9 25 b. The fund shall not be liable for the payment of an
9 26 expired claim.

9 27 EXPLANATION

9 28 This bill amends a number of Code chapters relating to
9 29 grain transactions involving grain dealers and grain warehouse
9 30 operators licensed by the department of agriculture and land
9 31 stewardship. Code chapter 203 regulates grain dealers, Code
9 32 chapter 203C regulates warehouse operators, and Code chapter
9 33 203D provides for the grain indemnity fund and the payment of
9 34 claims to sellers and depositors.
9 35 FINANCIAL INSTITUTIONS. The bill amends provisions in Code



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10 1 chapters 203 and 203C by modifying the definition of a
10 2 financial institution to include in=state and out=of=state
10 3 banks and savings and loan associations and replaces the
10 4 specific reference to the national bank for cooperatives with
10 5 any bank or association chartered by the federal farm credit
10 6 system. The Code chapters refer to financial institutions
10 7 when addressing requirements for issuing letters of credit and
10 8 for payment by electronic transfer.

10 9 FINANCIAL STATEMENTS. The bill amends several Code
10 10 sections providing for the licensure of grain dealers (class 1
10 11 or class 2) and warehouse operators (class 1 or class 2). The
10 12 bill authorizes the department to demand that a grain dealer
10 13 or warehouse operator submit financial statements to the
10 14 department as it determines necessary to verify the financial
10 15 status of the grain dealer or warehouse operator or compliance
10 16 with licensure requirements.

10 17 FEDERALLY LICENSED WAREHOUSES. The bill amends several
10 18 provisions in Code chapter 203 regulating credit sale
10 19 contracts which refer to federally licensed warehouses, by
10 20 citing the relevant federal statute, the United States
10 21 Warehouse Act. It also amends Code chapter 203D, by striking
10 22 an extraneous reference to operators of federal warehouses who
10 23 were allowed to participate in the fund.

10 24 ELECTRONIC DOCUMENTS. The bill authorizes the department
10 25 to adopt rules regarding electronic documents, including for
10 26 their transmission, receipt, authentication, and archiving.
10 27 For grain dealers, documents include scale tickets, settlement
10 28 sheets, daily position records, and credit=sale contracts, and
10 29 for warehouse operators documents include scale tickets,
10 30 warehouse receipts, settlement sheets, and daily position
10 31 records. The bill eliminates a reference to shipping ledgers.

10 32 LICENSURE TERMINOLOGY. The bill amends provisions in Code
10 33 chapter 203D to change the term "state warehouse" to "licensed
10 34 warehouse" to be compatible with provisions in Code chapter
10 35 203C regulating warehouses licensed by the department. Code



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11 1 section 203D.2 provides that persons participating in the fund
11 2 are licensed grain dealers and licensed warehouse operators,
11 3 and the bill makes a number of corresponding changes to
11 4 provide that a grain dealer or warehouse operator means a
11 5 person who is licensed under Code chapter 203 or 203C. The
11 6 bill amends Code section 203D.4, establishing the Iowa grain
11 7 indemnity fund board, to require that members representing
11 8 grain dealers and warehouse operators be licensed.
11 9 SELLERS PARTICIPATING IN THE FUND. The bill amends
11 10 provisions in Code chapter 203D which define a "seller" who
11 11 transfers grain to a licensed grain dealer and is therefore
11 12 eligible to be indemnified from the fund. The bill excludes a
11 13 seller who sells grain that is not delivered within or into
11 14 this state. The exemption is similar to that included in the
11 15 definition of "grain dealer" provided in Code section 203.1.
11 16 TIME LIMIT ON CLAIMS FOR INDEMNIFICATION. The bill
11 17 provides for the expiration of claims for indemnification
11 18 which would otherwise be eligible to be paid. It provides for
11 19 a five-year limitation upon a claimant who fails to provide
11 20 for the subrogation of an indemnity claim or to provide
11 21 necessary documentation or information required to process the
11 22 claim.
11 23 LSB 6074HH 82
11 24 da/nh/5



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HOUSE FILE
BY FOEGE

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

A BILL FOR

1 An Act relating to promotion of the health care workforce,
2 providing for tax credits, providing appropriations, and
3 providing effective and retroactive applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5694HH 82
6 pf/rj/5



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1 1 DIVISION I
1 2 INCREASING THE AVAILABILITY OF HEALTH CARE WORKFORCE
1 3 Section 1. NEW SECTION. 135.39D DETERMINATION OF
1 4 QUALIFIED HEALTH CARE PROVIDER NEEDS == TAX CREDIT.
1 5 The department shall project, on a five-year basis, the
1 6 professions for which a qualified health care provider tax
1 7 credit may be claimed pursuant to section 422.11V. In
1 8 developing the projection, the department shall consider as a
1 9 qualified health care provider, a health care provider who is
1 10 a member of a profession for which there are fewer health care
1 11 providers than necessary to meet population needs based on
1 12 data available to the department including through any health
1 13 workforce statistics collected pursuant to section 147.25 or
1 14 other similar data collection provisions. The department
1 15 shall provide its projections to the department of revenue,
1 16 health care professional organizations, and to medical and
1 17 other health professional schools in this state.
1 18 Sec. 2. NEW SECTION. 261.23A HEALTH CARE PROFESSIONAL
1 19 RECRUITMENT PROGRAM == REVOLVING FUND.
1 20 1. A health care professional recruitment program is
1 21 established to be administered by the college student aid
1 22 commission. The program shall consist of a forgivable loan
1 23 program and a rural community loan repayment program for
1 24 health care professionals. The commission shall regularly
1 25 adjust the health care professional service requirement under
1 26 each aspect of the program to provide, to the extent possible,
1 27 an equal financial benefit for each period of service
1 28 required. From funds appropriated for purposes of the program
1 29 by the general assembly, the commission shall pay a fee to the
1 30 medical school or other health care professional school for
1 31 administration of the program. A portion of the fee shall be
1 32 paid by the commission to the medical school or other health
1 33 care professional school based upon the number of health care
1 34 professional students and health care professionals recruited
1 35 under subsections 2 and 3.



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2 1 2. a. The medical schools and other health care
2 2 professional schools in this state shall provide
2 3 recommendations to the commission for students who meet the
2 4 eligibility requirements of the forgivable loan program under
2 5 this subsection. A forgivable loan may be awarded to a
2 6 resident of Iowa who meets both of the following conditions:
2 7 (1) Is enrolled on a full-time basis at a medical school
2 8 or other health care professional school in the state.
2 9 (2) Agrees to practice the health care profession in an
2 10 underserved area in this state for a period of time to be
2 11 determined by the commission at the time the loan is awarded.
2 12 b. The loan shall be for a term set by the commission.
2 13 Interest on the loan shall begin to accrue the day following
2 14 the date on which the student graduates from the medical
2 15 school or other health care professional school or on the date
2 16 the student graduates from a residency program, whichever date
2 17 is later. If the student completes the period of practice in
2 18 the underserved area established by the commission and agreed
2 19 to by the student, the loan amount shall be forgiven. Neither
2 20 the loan amount nor the interest on the loan amount shall be
2 21 forgiven if the health care professional fails to complete the
2 22 required time period of practice in the underserved area of
2 23 this state.
2 24 3. A health care professional who graduated from a medical
2 25 school or other health care professional school in this state
2 26 shall be eligible for the rural community loan repayment
2 27 program if the health care professional agrees to practice in
2 28 an eligible rural community in this state. The medical
2 29 schools and health care professional schools shall recruit and
2 30 place health care professionals in rural communities that have
2 31 agreed to provide additional funds for the health care
2 32 professional's loan repayment. The contract for the loan
2 33 repayment shall stipulate the time period the health care
2 34 professional shall practice in an eligible rural community in
2 35 this state and shall also stipulate that the health care



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3 1 professional repay any funds paid on the health care
3 2 professional's loan by the commission if the health care
3 3 professional fails to practice in an eligible rural community
3 4 in this state for the required period of time. For purposes
3 5 of this subsection, "eligible rural community" means a rural
3 6 community in this state underserved by health care
3 7 professionals that agrees to match state funds provided on at
3 8 least a dollar-for-dollar basis for the loan repayment of a
3 9 health care professional who practices in the eligible rural
3 10 community.

3 11 4. The commission shall adopt rules pursuant to chapter
3 12 17A to administer this section.

3 13 5. A health care professional recruitment revolving fund
3 14 is created in the state treasury as a separate fund under the
3 15 control of the commission. The commission shall deposit
3 16 payments made by health care professional recruitment program
3 17 recipients and the proceeds from the sale of loans made
3 18 pursuant to subsections 2 and 3 into the health care
3 19 professional recruitment revolving fund. Moneys credited to
3 20 the fund shall be used to supplement moneys appropriated for
3 21 the health care professional recruitment program, for loan
3 22 forgiveness to eligible health care professionals, and to pay
3 23 for loan or interest repayment defaults by eligible health
3 24 care professionals. Notwithstanding section 8.33, any balance
3 25 in the fund on June 30 of any fiscal year shall not revert to
3 26 the general fund of the state. Notwithstanding section 12C.7,
3 27 subsection 2, interest or earnings on moneys in the health
3 28 care professional recruitment revolving fund shall be credited
3 29 to the fund.

3 30 Sec. 3. NEW SECTION. 422.11V QUALIFIED HEALTH CARE
3 31 PROVIDER TAX CREDIT.

3 32 1. a. The taxes imposed under this division, less the
3 33 amounts of nonrefundable credits allowed under this division,
3 34 shall be reduced by a qualified health care provider tax
3 35 credit. The amount of the credit equals twenty thousand



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4 1 dollars for a taxable year.

4 2 b. For purposes of this section, "qualified health care
4 3 provider" means a health care provider specified by the
4 4 department of public health as being a member of a profession
4 5 for which there are fewer health care providers than necessary
4 6 to meet population needs.

4 7 c. If the credit provided under this section exceeds the
4 8 taxpayer's state tax liability, the excess may be carried
4 9 forward to succeeding taxable years and used as a credit
4 10 against the taxpayer's state tax liability during those
4 11 taxable years.

4 12 2. An individual may claim a qualified health care
4 13 provider tax credit allowed a partnership, limited liability
4 14 company, S corporation, estate, or trust electing to have the
4 15 income taxed directly to the individual. The amount claimed
4 16 by the individual shall be based upon the pro rata share of
4 17 the individual's earnings of the partnership, limited
4 18 liability company, S corporation, estate, or trust.

4 19 3. To receive the qualified health care provider tax
4 20 credit, a health care provider must submit an application to
4 21 the department accompanied by a certificate received from the
4 22 department of public health verifying the health care provider
4 23 as a qualified health care provider. If the taxpayer meets
4 24 the criteria for eligibility, the department shall issue to
4 25 the taxpayer a certification of entitlement for the qualified
4 26 health care provider tax credit. The certification must
4 27 contain the taxpayer's name, address, tax identification
4 28 number, the amount of the credit, and tax year for which the
4 29 certificate applies. The taxpayer shall file the tax credit
4 30 certificate with the taxpayer's tax return in order to claim
4 31 the tax credit. The department, in cooperation with the
4 32 department of public health, shall adopt rules to administer
4 33 this section.

4 34 Sec. 4. Section 422.33, Code Supplement 2007, is amended
4 35 by adding the following new subsection:



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5 1 NEW SUBSECTION. 25. The taxes imposed under this division
5 2 shall be reduced by a qualified health care provider tax
5 3 credit, provided for in section 422.11V. The tax credit shall
5 4 be subject to the same conditions, requirements, and dollar
5 5 limitations as provided for in section 422.11V.

5 6 Sec. 5. NEW SECTION. 514C.23 PAYMENT OF NEWLY
5 7 CREDENTIALLED PROVIDERS.

5 8 A carrier, as defined in section 513B.2, shall provide for
5 9 payment of newly credentialed physicians for physicians
5 10 services provided retroactively to the date the physician
5 11 applied to the carrier for credentialing.

5 12 Sec. 6. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE. The
5 13 sections of this Act enacting section 422.11V and amending
5 14 section 422.33 apply retroactively to January 1, 2007, for tax
5 15 years beginning on or after that date.

5 16 DIVISION II

5 17 INCREASING AVAILABILITY OF PSYCHIATRIC SERVICES

5 18 Sec. 7. Section 125.2, Code 2007, is amended by adding the
5 19 following new subsections:

5 20 NEW SUBSECTION. 4A. "Chief primary health clinician"
5 21 means the licensed physician, licensed psychiatrist, or
5 22 psychiatric advanced registered nurse practitioner who has
5 23 been designated as the primary health clinician for a patient.

5 24 NEW SUBSECTION. 13A. "Licensed physician" means an
5 25 individual licensed under chapter 148, 150, or 150A to
5 26 practice medicine and surgery, osteopathy, or osteopathic
5 27 medicine and surgery.

5 28 NEW SUBSECTION. 13B. "Licensed psychiatrist" means an
5 29 individual licensed under chapter 148, 150, or 150A to
5 30 practice medicine and surgery with a specialty in the field of
5 31 psychiatry.

5 32 NEW SUBSECTION. 13C. "Psychiatric advanced registered
5 33 nurse practitioner" means an individual currently licensed as
5 34 a registered nurse under chapter 152 or 152E who holds a
5 35 national certification in psychiatric health care and who is



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6 1 registered with the board of nursing as an advanced registered
6 2 nurse practitioner.

6 3 Sec. 8. Section 125.86, subsection 2, Code 2007, is
6 4 amended to read as follows:

6 5 2. No more than sixty days after entry of a court order
6 6 for treatment of a respondent under section 125.84, subsection
6 7 3, and thereafter at successive intervals not to exceed ninety
6 8 days for as long as involuntary treatment continues, the
6 9 administrator of the facility or the chief primary health
6 10 clinician shall report to the court which entered the order.

6 11 The report shall be submitted in the manner required by
6 12 section 125.84, shall state whether in the opinion of the
6 13 chief medical officer or the chief primary health clinician
6 14 the respondent's condition has improved, remains unchanged, or
6 15 has deteriorated, and shall indicate the further length of
6 16 time the respondent will require treatment by the facility.

6 17 If the respondent fails or refuses to submit to treatment as
6 18 ordered by the court, the administrator of the facility or the
6 19 chief primary health clinician shall at once notify the court,

6 20 which shall order the respondent committed for treatment as
6 21 provided by section 125.84, subsection 3, unless the court
6 22 finds that the failure or refusal was with good cause, and
6 23 that the respondent is willing to receive treatment as
6 24 provided in the court's order, or in a revised order if the
6 25 court sees fit to enter one. If the administrator of the
6 26 facility or the chief primary health clinician reports to the
6 27 court that the respondent requires full-time custody, care,
6 28 and treatment in a facility, and the respondent is willing to
6 29 be admitted voluntarily to the facility for these purposes,
6 30 the court may enter an order approving the placement upon
6 31 consultation with the administrator of the facility in which
6 32 the respondent is to be placed. If the respondent is
6 33 unwilling to be admitted voluntarily to the facility, the
6 34 procedure for determining involuntary commitment, as provided
6 35 in section 125.84, subsection 3, shall be followed.



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7 1 Sec. 9. Section 229.1, Code 2007, is amended by adding the
7 2 following new subsections:

7 3 NEW SUBSECTION. 5A. "Chief primary health clinician"
7 4 means the licensed physician, licensed psychiatrist, or
7 5 psychiatric advanced registered nurse practitioner who has
7 6 been designated as the primary health clinician for a patient.

7 7 NEW SUBSECTION. 8A. "Licensed psychiatrist" means an
7 8 individual licensed under chapter 148, 150, or 150A to
7 9 practice medicine and surgery with a specialty in the field of
7 10 psychiatry.

7 11 NEW SUBSECTION. 11A. "Psychiatric advanced registered
7 12 nurse practitioner" means an individual currently licensed as
7 13 a registered nurse under chapter 152 or 152E who holds a
7 14 national certification in psychiatric health care and who is
7 15 registered with the board of nursing as an advanced registered
7 16 nurse practitioner.

7 17 Sec. 10. Section 229.15, subsection 2, Code 2007, is
7 18 amended to read as follows:

7 19 2. Not more than sixty days after the entry of a court
7 20 order for treatment of a patient pursuant to a report issued
7 21 under section 229.14, subsection 1, paragraph "c", and
7 22 thereafter at successive intervals as ordered by the court but
7 23 not to exceed ninety days so long as that court order remains
7 24 in effect, the medical director of the facility or the chief
7 25 primary health clinician treating the patient shall report to
7 26 the court which entered the order. The report shall state
7 27 whether the patient's condition has improved, remains
7 28 unchanged, or has deteriorated, and shall indicate if possible
7 29 the further length of time the patient will require treatment
7 30 by the facility. If at any time the patient without good
7 31 cause fails or refuses to submit to treatment as ordered by
7 32 the court, the medical director or the chief primary health
7 33 clinician shall at once so notify the court, which shall order
7 34 the patient hospitalized as provided by section 229.14,
7 35 subsection 2, paragraph "d", unless the court finds that the



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8 1 failure or refusal was with good cause and that the patient is
8 2 willing to receive treatment as provided in the court's order,
8 3 or in a revised order if the court sees fit to enter one. If
8 4 at any time the medical director or the chief primary health
8 5 clinician reports to the court that in the director's or
8 6 clinician's opinion the patient requires full-time custody,
8 7 care and treatment in a hospital, and the patient is willing
8 8 to be admitted voluntarily to the hospital for these purposes,
8 9 the court may enter an order approving hospitalization for
8 10 appropriate treatment upon consultation with the chief medical
8 11 officer of the hospital in which the patient is to be
8 12 hospitalized. If the patient is unwilling to be admitted
8 13 voluntarily to the hospital, the procedure for determining
8 14 involuntary hospitalization, as set out in section 229.14,
8 15 subsection 2, paragraph "d", shall be followed.

8 16 Sec. 11. NEW SECTION. 249A.36 ADVANCED REGISTERED NURSE
8 17 PRACTITIONERS == REIMBURSEMENT FOR PSYCHIATRIC SERVICES.

8 18 The department shall adopt rules to provide reimbursement
8 19 for advanced registered nurse practitioners for provision of
8 20 psychiatric services, within the scope of practice of the
8 21 advanced registered nurse practitioner, to medical assistance
8 22 program recipients.

8 23 Sec. 12. PSYCHIATRIC RESIDENTS == APPROPRIATION. There is
8 24 appropriated from the general fund of the state to the
8 25 department of public health for distribution to hospitals in
8 26 the state for the fiscal year beginning July 1, 2008, and
8 27 ending June 30, 2009, the following amount or so much thereof
8 28 as is necessary for the purpose designated:

8 29 For additional psychiatric residency positions:
8 30 \$ 1,000,000

8 31 A hospital located in this state may apply for funding of a
8 32 psychiatric residency position within the hospital. A person
8 33 filling a psychiatric residency position funded under this
8 34 section shall practice in the state for a minimum of four
8 35 years following completion of the residency program. The



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9 1 department of public health shall adopt rules to administer
9 2 the psychiatric residency position program. The rules shall
9 3 provide that a person filling a psychiatric residency position
9 4 who does not practice in the state for a minimum of four years
9 5 shall repay any funds paid on behalf of the person for the
9 6 psychiatric residency position.

9 7 DIVISION III

9 8 PROMOTING TELEMEDICINE

9 9 Sec. 13. NEW SECTION. 249A.37 MEDICAL ASSISTANCE
9 10 PARTICIPATING PROVIDERS == REIMBURSEMENT FOR TELEMEDICINE.

9 11 The department shall adopt rules to provide reimbursement
9 12 for participating providers under the medical assistance
9 13 program for utilization of telemedicine. The reimbursement
9 14 shall also extend to participating providers outside of the
9 15 state who utilize telemedicine to provide covered services to
9 16 medical assistance recipients who are residents of this state.

9 17 Sec. 14. Section 249J.6, subsection 1, Code 2007, is
9 18 amended to read as follows:

9 19 1. ~~Beginning July 1, 2005, the~~ The expansion population
9 20 shall be eligible for all of the following expansion
9 21 population services:

9 22 a. Inpatient hospital procedures described in the
9 23 diagnostic related group codes or other applicable inpatient
9 24 hospital reimbursement methods designated by the department.

9 25 b. Outpatient hospital services described in the
9 26 ambulatory patient groupings or non-inpatient services
9 27 designated by the department.

9 28 c. Physician and advanced registered nurse practitioner
9 29 services described in the current procedural terminology codes
9 30 specified by the department.

9 31 d. Dental services described in the dental codes specified
9 32 by the department.

9 33 e. Limited pharmacy benefits provided by an expansion
9 34 population provider network hospital pharmacy and solely
9 35 related to an appropriately billed expansion population



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10 1 service.
10 2 f. Transportation to and from an expansion population
10 3 provider network provider only if the provider offers such
10 4 transportation services or the transportation is provided by a
10 5 volunteer.

10 6 g. Telemedicine services provided by providers included in
10 7 the expansion population provider network and including
10 8 providers who consult with providers included in the expansion
10 9 population provider network, whether from within or outside of
10 10 the state, utilizing telemedicine.

10 11 Sec. 15. Section 514I.5, subsection 8, paragraph e, Code
10 12 Supplement 2007, is amended by adding the following new
10 13 subparagraph:

10 14 NEW SUBPARAGRAPH. (15) Telemedicine services including
10 15 those provided to eligible children by providers outside of
10 16 the state.

10 17 Sec. 16. FEDERAL APPROVAL. The department of human
10 18 services shall amend any state plan or request any waiver
10 19 necessary to implement the provisions of this division
10 20 relating to providers under the medical assistance, IowaCare,
10 21 or hawk=i programs to be reimbursed for telemedicine services.

10 22 DIVISION IV

10 23 INCREASING COMPENSATION FOR DIRECT CARE WORKERS

10 24 Sec. 17. NEW SECTION. 249A.38 REIMBURSEMENT INCREASE ==
10 25 DIRECT CARE WORKERS.

10 26 Beginning July 1, 2008, seventy=five percent of any
10 27 increase in the reimbursement rate for nursing facilities
10 28 under the medical assistance program shall be used for
10 29 increases in compensation=related costs for employees
10 30 providing direct care in the nursing facilities. Information
10 31 relating to these increases in compensation=related costs
10 32 shall be included in the cost reports submitted to the
10 33 department. For the purposes of this requirement, employees
10 34 providing direct care do not include the administrator,
10 35 persons employed in the central office of a corporation that



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11 1 has an ownership interest in the nursing facility or exercises
11 2 control over the nursing facility, or persons paid by the
11 3 nursing facility under a management contract.

11 4 DIVISION V

11 5 CREDENTIALING THE LONG-TERM CARE WORKFORCE

11 6 Sec. 18. DIRECT CARE WORKER ADVISORY COUNCIL == DUTIES ==
11 7 REPORT.

11 8 1. As used in this section, unless the context otherwise
11 9 requires:

11 10 a. "Assistance with instrumental activities of daily
11 11 living" means assistance with activities beyond basic needs
11 12 that assist a consumer in functioning independently within the
11 13 community. Such services may include but are not limited to
11 14 food preparation and nutrition, home management, financial
11 15 management, and infection control, but require no physical
11 16 contact between the direct care worker and the consumer.

11 17 b. "Assistance with personal care activities of daily
11 18 living" means care provided to support a consumer in meeting
11 19 the consumer's basic needs while acknowledging personal
11 20 choices and encouraging independence, and generally involves
11 21 physical contact between a direct care worker and a consumer.
11 22 Such services include but are not limited to assistance with
11 23 eating and feeding, bathing, skin care, grooming, and mobility
11 24 assistance.

11 25 c. "Department" means the department of public health.

11 26 d. "Direct care" means environmental or chore services,
11 27 health monitoring and maintenance, assistance with
11 28 instrumental activities of daily living, assistance with
11 29 personal care activities of daily living, personal care
11 30 support, or specialty services.

11 31 e. "Direct care worker" means an individual who directly
11 32 provides or assists a consumer in the care of the consumer by
11 33 providing direct care in a variety of settings which may or
11 34 may not require oversight of the direct care worker, depending
11 35 upon the setting. "Direct care worker" does not include a



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12 1 nurse, case manager, or social worker.
12 2 f. "Director" means the director of public health.
12 3 g. "Environmental or chore services" means services
12 4 provided both inside and outside of a consumer's home that are
12 5 designed to assist a consumer in living independently in the
12 6 community and which require no physical contact between the
12 7 direct care worker and the consumer, and which require no
12 8 special education or training beyond task-specific
12 9 orientation. Such services may include but are not limited to
12 10 heavy household cleaning, lawn care, and home maintenance.
12 11 h. "Health monitoring and maintenance" means medically
12 12 oriented care that assists a consumer in maintaining the
12 13 consumer's health on a daily basis and which generally
12 14 requires physical contact between a direct care worker and a
12 15 consumer. Such services may include but are not limited to
12 16 checking of vital signs, collecting specimens or samples, and
12 17 assisting with range of motion exercises.
12 18 i. "Personal care support" means support provided to a
12 19 consumer as the consumer performs personal and instrumental
12 20 activities of daily living which require no physical contact
12 21 between the direct care worker and the consumer. Such support
12 22 includes testing and training, observation, recording,
12 23 documenting, coaching, and supervising.
12 24 j. "Specialty skill services" means services that require
12 25 the care of a direct care worker with additional education and
12 26 training, and generally requires physical contact between a
12 27 direct care worker and a consumer. Such services include
12 28 dementia or Alzheimer's care, psychiatric care, monitoring and
12 29 administration of medications, collecting specimens or
12 30 samples, giving shots, hospice and palliative care, protective
12 31 services, restorative and strengthening exercises, and
12 32 mentoring.
12 33 2. A direct care worker advisory council shall be
12 34 appointed by the director and shall include representatives of
12 35 direct care workers, consumers of direct care services,



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13 1 educators of direct care workers, other health professionals,
13 2 employers of direct care workers, and appropriate state
13 3 agencies.

13 4 3. Membership, terms of office, quorum, and expenses shall
13 5 be determined by the director pursuant to chapter 135.

13 6 4. The direct care worker advisory council shall advise
13 7 the director regarding regulation and certification of direct
13 8 care workers and shall develop recommendations regarding all
13 9 of the following:

13 10 a. Direct care worker classifications based on functions
13 11 and services provided by direct care workers. The
13 12 classifications shall include those based on environmental and
13 13 chore services, assistance with instrumental activities of
13 14 daily living, personal care support, assistance with personal
13 15 care activities of daily living, health monitoring and
13 16 maintenance, and specialty skills.

13 17 b. Functions for each direct care worker classification
13 18 based upon categories of core competencies.

13 19 c. An education and training orientation to be provided by
13 20 employers which addresses the components of confidentiality;
13 21 ethics and legal requirements; consumer and worker rights;
13 22 person-directed and consumer-centered care; cultural
13 23 competency; growth, development, and disability specific
13 24 competency; observation, referral, and reporting;
13 25 communication and interpersonal skills; problem solving;
13 26 safety and emergency procedures; infection control and
13 27 occupational safety and health administration guidelines; and
13 28 professional education and training.

13 29 d. Education and training requirements for each of the
13 30 direct care worker classifications.

13 31 e. The standard curriculum required in training of direct
13 32 care workers for each of the direct care worker
13 33 classifications, based on training required for the duties
13 34 specified and related core competencies. The curriculum shall
13 35 be standard notwithstanding the entity offering the



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14 1 curriculum, and shall meet or exceed federal or state
14 2 requirements. The curriculum shall include a requirement that
14 3 any direct care worker who will be assisting with prescribed
14 4 medications complete a medication aide course.

14 5 f. Education and training equivalency standards for
14 6 individuals who have completed higher education in a health
14 7 care profession based on core competencies for each direct
14 8 care worker classification and in correlation with specific
14 9 institutional curricula in health care professions. The
14 10 standards shall provide that those meeting the equivalency
14 11 standards may take any prescribed examination for the
14 12 appropriate direct care worker classification.

14 13 g. Guidelines that allow individuals who are members of
14 14 the direct care workforce prior to the date of required
14 15 certification to be incorporated into the new regulatory
14 16 system based on education, training, current certifications,
14 17 or demonstration of core competencies.

14 18 h. Continuing education requirements and standards to
14 19 ensure that direct care workers remain competent and adapt to
14 20 the changing needs of the direct care workforce, employers,
14 21 and consumers. The requirements and standards shall meet or
14 22 exceed federal or state continuing education requirements for
14 23 the applicable direct care worker classification existing
14 24 prior to the date of required certification.

14 25 i. Standards to ensure that direct care worker educators
14 26 and trainers retain a level of competency and adapt to the
14 27 changing needs of the direct care workforce, employers, and
14 28 consumers. The standards shall meet or exceed federal or
14 29 state continuing education requirements existing prior to the
14 30 date of required certification.

14 31 j. Certification requirements for each classification of
14 32 direct care worker.

14 33 k. Protections for the title "certified direct care
14 34 worker".

14 35 l. (1) Standardized requirements across care settings for



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15 1 supervision, if applicable, for each classification of direct
15 2 care worker based on the functions being performed.

15 3 (2) The roles and responsibilities of direct care worker
15 4 supervisory positions which shall meet or exceed federal and
15 5 state requirements existing prior to the date of required
15 6 certification.

15 7 m. Required responsibility for maintenance of
15 8 credentialing and continuing education and training by
15 9 individual direct care workers rather than employers.

15 10 n. Provision of information to income maintenance workers
15 11 and case managers under the purview of the department of human
15 12 services about the education and training requirements for
15 13 direct care workers to provide the care and services to meet a
15 14 consumer's needs under the home and community-based services
15 15 waiver options under the medical assistance program.

15 16 5. The direct care worker advisory council shall report
15 17 its recommendations to the director by November 30, 2008,
15 18 including recommendations for any changes in law or rules
15 19 necessary to implement certification of direct care workers
15 20 beginning July 1, 2009.

15 21 EXPLANATION

15 22 This bill relates to promotion of the health care
15 23 workforce.

15 24 INCREASING THE AVAILABILITY OF THE HEALTH CARE WORKFORCE.
15 25 Division I of the bill establishes a health care professional
15 26 recruitment program and revolving fund. The bill provides
15 27 that the health care professional recruitment program shall be
15 28 administered by the college student aid commission, and
15 29 consist of a loan forgiveness program for students who agree
15 30 to practice in underserved areas upon graduation and a rural
15 31 community loan repayment program for health care professionals
15 32 who agree to serve in eligible rural communities. An eligible
15 33 rural community is a rural community underserved by health
15 34 care professionals that agrees to match state funds provided
15 35 for the health care professional's loans on at least a



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16 1 \$1=for=\$1 basis. From funds appropriated for the program by
16 2 the general assembly, the commission must pay a fee to the
16 3 medical school or other health professional school for
16 4 administration of the program based upon the number of health
16 5 care professional students and health care professionals
16 6 recruited. Students are eligible for the loan forgiveness
16 7 program if they are residents of Iowa, are enrolled on a
16 8 full-time basis at a medical or other health care professional
16 9 school, and agree to practice in an area underserved by a
16 10 health care professional for a period of time to be determined
16 11 by the commission at the time the loan is awarded. A health
16 12 care professional who graduated from a medical or other health
16 13 care professional school in the state is eligible for the
16 14 rural community loan repayment program if the health care
16 15 professional agrees to practice in an eligible rural community
16 16 in this state for a time agreed to by the health care
16 17 professional and the commission. The health care professional
16 18 recruitment revolving fund is created in the state treasury as
16 19 a separate fund under the control of the commission. Moneys
16 20 in the fund derive from payments made by health care
16 21 recruitment program recipients and the proceeds from the sale
16 22 of loans. Moneys in the fund must be used to supplement
16 23 moneys appropriated for the health care professional
16 24 recruitment program, for loan forgiveness to eligible health
16 25 care professionals, and to pay for loan or interest repayment
16 26 defaults by eligible health care professionals. Moneys in the
16 27 fund do not revert to the general fund, and interest or
16 28 earnings on moneys in the fund are credited to the fund.
16 29 Division I of the bill provides for a qualified health care
16 30 provider tax credit under the individual and corporate income
16 31 tax and applies retroactively to January 1, 2007, for tax
16 32 years beginning on or after that date. The qualified health
16 33 care provider tax credit is available to health care providers
16 34 for which the department of public health determines, on a
16 35 five-year projection basis, there is an insufficient number



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17 1 necessary to meet population needs. The amount of the tax
17 2 credit equals \$20,000 per tax year.
17 3 Division I of the bill directs insurance carriers to
17 4 provide for payment of newly credentialed physicians for
17 5 services provided retroactively to the date the physician
17 6 applied to the carrier for credentialing.
17 7 INCREASING THE AVAILABILITY OF PSYCHIATRIC SERVICES.
17 8 Division II of the bill authorizes a chief primary health
17 9 clinician to file certain periodic court reports on chronic
17 10 substance abusers and persons with mental illness who do not
17 11 require full-time placement in a treatment facility.
17 12 The division provides that no more than 60 days after entry
17 13 of a court order for treatment of a respondent who is either a
17 14 chronic substance abuser or who is mentally ill who does not
17 15 require full-time placement in a treatment facility and
17 16 thereafter at successive intervals not to exceed 90 days for
17 17 as long as the involuntary treatment continues, the chief
17 18 primary health clinician shall have the authority, along with
17 19 the administrator of the treatment facility or the chief
17 20 medical officer of the treatment facility, to report to the
17 21 court which entered the order and shall state whether in the
17 22 opinion of the chief primary health clinician the respondent's
17 23 condition has improved, remains unchanged, or has
17 24 deteriorated, and shall indicate the further length of time
17 25 the respondent will require treatment by the facility. If the
17 26 respondent fails or refuses to submit to treatment as ordered
17 27 by the court, the chief primary health clinician shall notify
17 28 the court, which shall order the respondent committed for
17 29 treatment unless the court finds that the failure or refusal
17 30 was with good cause, and that the respondent is willing to
17 31 receive treatment as provided in the court's order, or in a
17 32 revised order if the court sees fit to enter one. If the
17 33 chief primary health clinician reports to the court that the
17 34 respondent requires full-time custody, care, and treatment in
17 35 a facility, and the respondent is willing to be admitted



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18 1 voluntarily to the facility for these purposes, the court may
18 2 enter an order approving the placement upon consultation with
18 3 the administrator of the facility in which the respondent is
18 4 to be placed.

18 5 The division defines "chief primary health clinician" as
18 6 the licensed physician, licensed psychiatrist, or psychiatric
18 7 advanced registered nurse practitioner who has been designated
18 8 as the primary health clinician for a patient. "Licensed
18 9 physician" is defined as an individual licensed under Code
18 10 chapter 148, 150, or 150A to practice medicine and surgery,
18 11 osteopathy, or osteopathic medicine and surgery, "licensed
18 12 psychiatrist" is defined as an individual licensed under Code
18 13 chapter 148, 150, or 150A to practice medicine and surgery
18 14 with a specialty in the field of psychiatry, and "psychiatric
18 15 advanced registered nurse practitioner" is defined as an
18 16 individual currently licensed as a registered nurse under Code
18 17 chapter 152 or 152E who holds a national certification in
18 18 psychiatric health care and who is registered with the board
18 19 of nursing as an advanced registered nurse practitioner.

18 20 Division II of the bill directs the department of human
18 21 services to adopt rules to provide reimbursement for advanced
18 22 registered nurse practitioners for provision of psychiatric
18 23 services, within the scope of practice of the advanced
18 24 registered nurse practitioner, to a medical assistance
18 25 recipient.

18 26 Division II of the bill also appropriates \$1 million to the
18 27 department of public health for additional psychiatric
18 28 residency positions and provides that hospitals may apply for
18 29 funding of a psychiatric residency position in the hospital.
18 30 A person filling the position must practice in the state for a
18 31 minimum of four years following completion of the residency
18 32 program.

18 33 PROMOTING TELEMEDICINE. Division III of the bill directs
18 34 the department of human services to adopt rules to provide for
18 35 reimbursement for participating providers under the medical



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19 1 assistance program for utilization of telemedicine, and
19 2 includes participating providers outside of the state who
19 3 provide services to recipients of medical assistance within
19 4 the state. The bill also provides for reimbursement of
19 5 telemedicine services under the IowaCare and hawk=i programs.
19 6 The bill directs the department of human services to amend the
19 7 medical assistance state plan or request any waiver necessary
19 8 to provide these reimbursements.
19 9 INCREASING COMPENSATION OF DIRECT CARE WORKERS. Division
19 10 IV of the bill provides that of any increased reimbursement to
19 11 nursing facilities under the medical assistance program, 75
19 12 percent is to be used to increase compensation-related costs
19 13 of employees providing direct care. Employees providing
19 14 direct care do not include the administrator, persons employed
19 15 in the central office of a corporation that has an ownership
19 16 interest in the nursing facility or exercises control over the
19 17 nursing facility, or persons paid by the nursing facility
19 18 under a management contract.
19 19 CREDENTIALING DIRECT CARE WORKERS. Division V of the bill
19 20 establishes a direct care worker advisory council to develop
19 21 recommendations for the credentialing of direct care workers.
19 22 The advisory council is to report its recommendations to the
19 23 director of public health by November 30, 2008, including
19 24 recommendations for changes in law and rules to provide for
19 25 certification of direct care workers beginning July 1, 2009.
19 26 LSB 5694HH 82
19 27 pf/rj/5



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House File 2286 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

- 1 An Act providing for criminal penalties for the mistreatment of
- 2 livestock and other animals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5665YH 82
- 5 da/nh/5



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1 1 Section 1. Section 717.1A, Code 2007, is amended to read
1 2 as follows:
1 3 717.1A LIVESTOCK ABUSE.
1 4 A person ~~is guilty of~~ commits livestock abuse if the person
1 5 intentionally injures or destroys livestock owned by another
1 6 person, in any manner, including, but not limited to,
1 7 intentionally doing any of the following: administering drugs
1 8 or poisons to the livestock, or disabling the livestock by
1 9 using a firearm or trap.
1 10 1. a. Except as provided in paragraph "b", a person
1 11 guilty of who commits livestock abuse ~~commits~~ is guilty of an
1 12 aggravated misdemeanor.
1 13 b. (1) If convicted of a prior offense under this chapter
1 14 or chapter 717B within the last ten years, a person who
1 15 commits livestock abuse is guilty of a class "D" felony.
1 16 (2) If the offense involves the abuse of ten or more head
1 17 of livestock during any uninterrupted period, the person is
1 18 guilty of a class "D" felony.
1 19 2. This section shall not apply to any of the following:
1 20 ~~1.~~ a. A person acting with the consent of the person
1 21 owning the livestock, unless the action constitutes livestock
1 22 neglect as provided in section 717.2.
1 23 ~~2.~~ b. A person acting to carry out an order issued by a
1 24 court.
1 25 ~~3.~~ c. A licensed veterinarian practicing veterinary
1 26 medicine as provided in chapter 169.
1 27 ~~4.~~ d. A person acting in order to carry out another
1 28 provision of law which allows the conduct.
1 29 ~~5.~~ e. A person reasonably acting to protect the person's
1 30 property from damage caused by stray livestock.
1 31 ~~6.~~ f. A person reasonably acting to protect a person from
1 32 injury or death caused by stray livestock.
1 33 ~~7.~~ g. An institution, as defined in section 145B.1, or a
1 34 research facility, as defined in section 162.2, provided that
1 35 the institution or research facility performs functions within



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House File 2286 - Introduced continued

2 1 the scope of accepted practices and disciplines associated
2 2 with the institution or research facility.
2 3 Sec. 2. Section 717.2, subsection 2, Code 2007, is amended
2 4 to read as follows:
2 5 2. a. A This paragraph "a" applies to a person who
2 6 commits the offense of livestock neglect which does not result
2 7 in serious injury to or the death of livestock.
2 8 (1) Except as provided in subparagraph (2), the person is
2 9 guilty of a simple misdemeanor.
2 10 (2) (a) If convicted of a prior offense under this
2 11 chapter or chapter 717B within the last ten years, the person
2 12 is guilty of a serious misdemeanor.
2 13 (b) If the offense involves the neglect of ten or more
2 14 head of livestock during any uninterrupted period, the person
2 15 is guilty of a serious misdemeanor. However, a person does
2 16 not commit more than one offense of livestock neglect when
2 17 care or sustenance is not provided to multiple head of
2 18 livestock during any such period.
2 19 b. A This paragraph "b" applies to a person who
2 20 intentionally commits the offense of livestock neglect which
2 21 results in serious injury to or the death of livestock.
2 22 (1) Except as provided in subparagraph (2), the person is
2 23 guilty of a serious misdemeanor.
2 24 (2) (a) If convicted of a prior offense under this
2 25 chapter or chapter 717B within the last ten years, the person
2 26 is guilty of an aggravated misdemeanor.
2 27 (b) If the offense involves the neglect of ten or more
2 28 head of livestock during any uninterrupted period, the person
2 29 is guilty of an aggravated misdemeanor. However, a person
2 30 shall not be guilty of does not commit more than one offense
2 31 of livestock neglect punishable as a serious misdemeanor, when
2 32 care or sustenance is not provided to multiple head of
2 33 livestock during any such period of uninterrupted neglect.
2 34 Sec. 3. Section 717B.2, Code 2007, is amended to read as
2 35 follows:



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House File 2286 - Introduced continued

3 1 717B.2 ANIMAL ABUSE.

3 2 A person ~~is guilty of~~ commits animal abuse if the person
3 3 intentionally injures, maims, disfigures, or destroys an
3 4 animal owned by another person, in any manner, including
3 5 intentionally poisoning the animal.

3 6 1. a. ~~A~~ Except as provided in paragraph "b", a person
3 7 ~~guilty of who commits~~ animal abuse is guilty of an aggravated
3 8 misdemeanor.

3 9 b. (1) If convicted of a prior offense under this chapter
3 10 or chapter 717 within the last ten years, a person who commits
3 11 animal abuse is guilty of a class "D" felony.

3 12 (2) If the offense involves the abuse of ten or more
3 13 animals during any uninterrupted period, the person is guilty
3 14 of a class "D" felony.

3 15 2. This section shall not apply to any of the following:

3 16 1. a. A person acting with the consent of the person
3 17 owning the animal, unless the action constitutes animal
3 18 neglect as provided in section 717B.3.

3 19 2. b. A person acting to carry out an order issued by a
3 20 court.

3 21 3. c. A licensed veterinarian practicing veterinary
3 22 medicine as provided in chapter 169.

3 23 4. d. A person acting in order to carry out another
3 24 provision of law which allows the conduct.

3 25 5. e. A person taking, hunting, trapping, or fishing for
3 26 a wild animal as provided in chapter 481A.

3 27 6. f. A person acting to protect the person's property
3 28 from a wild animal as defined in section 481A.1.

3 29 7. g. A person acting to protect a person from injury or
3 30 death caused by a wild animal as defined in section 481A.1.

3 31 8. h. A person reasonably acting to protect the person's
3 32 property from damage caused by an unconfined animal.

3 33 9. i. A person reasonably acting to protect a person from
3 34 injury or death caused by an unconfined animal.

3 35 10. j. A local authority reasonably acting to destroy an



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4 1 animal, if at the time of the destruction, the owner of the
4 2 animal is absent or unable to care for the animal, and the
4 3 animal is permanently distressed by disease or injury to a
4 4 degree that would result in severe and prolonged suffering.

4 5 ~~ii. k.~~ An institution, as defined in section 145B.1, or a
4 6 research facility, as defined in section 162.2, provided that
4 7 the institution or research facility performs functions within
4 8 the scope of accepted practices and disciplines associated
4 9 with the institution or research facility.

4 10 Sec. 4. Section 717B.3, subsection 3, Code 2007, is
4 11 amended to read as follows:

4 12 3. a. ~~A This paragraph "a" applies to a person who~~
4 13 ~~negligently or intentionally commits the offense of animal~~
4 14 ~~neglect which does not result in serious injury to or the~~
4 15 ~~death of an animal.~~

4 16 (1) Except as provided in subparagraph (2), the person is
4 17 guilty of a simple misdemeanor.

4 18 (2) (a) If convicted of a prior offense under this
4 19 chapter or chapter 717 within the last ten years, the person
4 20 is guilty of a serious misdemeanor.

4 21 (b) If the offense involves the neglect of ten or more
4 22 animals during any uninterrupted period, the person is guilty
4 23 of a serious misdemeanor.

4 24 b. A This paragraph "b" applies to a person who
4 25 intentionally commits the offense of animal neglect which
4 26 results in serious injury to or the death of an animal.

4 27 (1) Except as provided in subparagraph (2), the person is
4 28 guilty of a serious misdemeanor.

4 29 (2) (a) If convicted of a prior offense under this
4 30 chapter or chapter 717 within the last ten years, the person
4 31 is guilty of an aggravated misdemeanor.

4 32 (b) If the offense involves the neglect of ten or more
4 33 head of livestock during any uninterrupted period, the person
4 34 is guilty of an aggravated misdemeanor.

4 35 Sec. 5. Section 717B.3A, subsection 3, paragraph a, Code



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5 1 2007, is amended to read as follows:

5 2 a. The following shall apply to a person who commits
5 3 animal torture:

5 4 (1) ~~For the first conviction~~ Except as provided in
5 5 subparagraph (2), the person is guilty of an aggravated
5 6 misdemeanor.

5 7 (2) (a) If convicted of a prior offense under this
5 8 chapter or chapter 717 within the last ten years, the person
5 9 is guilty of a class "D" felony.

5 10 (b) If the offense involves the torture of ten or more
5 11 animals during any uninterrupted period, the person is guilty
5 12 of a class "D" felony.

5 13 (3) The sentencing order shall provide that the person
5 14 submit to psychological evaluation and treatment according to
5 15 terms required by the court. The costs of the evaluation and
5 16 treatment shall be paid by the person. In addition, for a
5 17 person's first conviction under this section, the sentencing
5 18 order shall provide that the person complete a community work
5 19 requirement, which may include a work requirement performed at
5 20 an animal shelter or pound, as defined in section 162.2,
5 21 according to terms required by the court.

5 22 ~~(2) For a second or subsequent conviction, the person is~~
~~5 23 guilty of a class "D" felony. The sentencing order shall~~
~~5 24 provide that the person submit to psychological evaluation and~~
~~5 25 treatment according to terms required by the court. The costs~~
~~5 26 of the psychological evaluation and treatment shall be paid by~~
~~5 27 the person.~~

5 28 EXPLANATION

5 29 This bill amends two closely related Code chapters. Code
5 30 chapter 717 prohibits a person from mistreating livestock and
5 31 Code chapter 717B prohibits a person from mistreating other
5 32 animals. Code sections 717.1A and 717B.2 provide for abuse
5 33 (intentionally injuring or destroying livestock or an animal
5 34 owned by another person); Code sections 717.2 and 717B.3
5 35 provide for neglect (e.g., confining livestock or another



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6 1 animal and harming it or failing to supply it with food or
6 2 water); and Code section 717B.3A (inflicting an animal other
6 3 than livestock with severe physical pain with a depraved or
6 4 sadistic intent to cause the prolonged suffering or death).
6 5 The bill amends each of these sections to increase existing
6 6 criminal penalties in two circumstances: (1) if the person
6 7 has been convicted of a prior offense under either chapter
6 8 within the last ten years, or (2) if the offense involves 10
6 9 or more head of livestock or 10 or more other animals. For
6 10 abuse, the criminal penalty is increased from an aggravated
6 11 misdemeanor to a serious misdemeanor. For neglect, the
6 12 existing law provides that the severity of the criminal
6 13 penalty depends upon whether the offense results in serious
6 14 injury or death. If serious injury or death does not result,
6 15 the criminal penalty is increased from a simple misdemeanor to
6 16 a serious misdemeanor. If the offense is intentionally
6 17 committed and results in a serious injury or death, the
6 18 criminal penalty is increased from a serious misdemeanor to an
6 19 aggravated misdemeanor. For torture, the existing law already
6 20 increases the criminal penalty from an aggravated misdemeanor
6 21 for the first offense to a class "D" felony for a subsequent
6 22 offense. The bill rewrites the provisions in the same manner
6 23 as for other offenses.
6 24 A simple misdemeanor is punishable by confinement for no
6 25 more than 30 days or a fine of at least \$65 but not more than
6 26 \$625 or by both. A serious misdemeanor is punishable by
6 27 confinement for no more than one year and a fine of at least
6 28 \$315 but not more than \$1,875. An aggravated misdemeanor is
6 29 punishable by confinement for no more than two years and a
6 30 fine of at least \$625 but not more than \$6,250. A class "D"
6 31 felony is punishable by confinement for no more than five
6 32 years and a fine of at least \$750 but not more than \$7,500.
6 33 LSB 5665YH 82
6 34 da/nh/5



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House File 2287 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HSB 572)

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

A BILL FOR

- 1 An Act increasing the penalties that may be imposed by
- 2 courts=martial under the Iowa code of military justice.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5491HV 82
- 5 ec/nh/14



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House File 2287 - Introduced continued

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1 1 Section 1. Section 29B.17, subsections 1 and 2, Code 2007,
1 2 are amended to read as follows:

1 3 1. A fine of not more than ~~two hundred~~ five thousand
1 4 dollars;

1 5 2. Forfeiture of not more than twenty days' pay and
1 6 allowances ~~not to exceed one thousand dollars~~;

1 7 Sec. 2. Section 29B.18, subsection 1, paragraph a,
1 8 subparagraphs (1) and (2), Code Supplement 2007, are amended
1 9 to read as follows:

1 10 (1) A fine not exceeding ~~one~~ two thousand five hundred
1 11 dollars.

1 12 (2) Forfeiture of not more than twenty days' pay and
1 13 allowances ~~not exceeding one thousand dollars~~.

1 14 Sec. 3. Section 29B.18, subsection 2, paragraph c,
1 15 subparagraph (1), Code Supplement 2007, is amended to read as
1 16 follows:

1 17 (1) A fine of not more than ~~fifty~~ one thousand dollars for
1 18 a single offense.

1 19 EXPLANATION

1 20 This bill increases the maximum fines and forfeitures that
1 21 may be adjudged by general, special, and summary
1 22 courts=martial under the Iowa code of military justice.

1 23 The bill increases the maximum possible fine from \$200 to
1 24 \$5,000 under a general court=martial, from \$100 to \$2,500
1 25 under a special court=martial, and from \$50 to \$1,000 under a
1 26 summary court=martial. The bill also increases the maximum
1 27 forfeiture of pay and allowances under a general or special
1 28 court=martial from \$1,000 to an amount equal to 20 days of pay
1 29 and allowances.

1 30 LSB 5491HV 82

1 31 ec/nh/14



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House File 2288 - Introduced

HOUSE FILE
BY FORD

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

A BILL FOR

1 An Act requiring a minority impact statement as part of an
2 application for a grant from a state agency and providing
3 effective and applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5551HH 82
6 ak/nh/8



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House File 2288 - Introduced continued

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1 1 Section 1. NEW SECTION. 8.11 GRANT APPLICATIONS ==
1 2 MINORITY IMPACT STATEMENTS.
1 3 1. Each application for a grant from a state agency shall
1 4 include a minority impact statement that contains the
1 5 following information:
1 6 a. Any disproportionate or unique impact of proposed
1 7 policies or programs on minority persons in this state.
1 8 b. A rationale for the existence of programs or policies
1 9 having an impact on minority persons in this state.
1 10 c. Evidence of consultation of representatives of minority
1 11 persons in cases where a policy or program has an identifiable
1 12 impact on minority persons in this state.
1 13 2. For the purposes of this section, the following
1 14 definitions shall apply:
1 15 a. "Disability" means the same as provided in section
1 16 15.102, subsection 5, paragraph "b", subparagraph (1).
1 17 b. "Minority persons" includes individuals who are women,
1 18 persons with a disability, Blacks, Latinos, Asians or Pacific
1 19 Islanders, American Indians, and Alaskan Native Americans.
1 20 c. "State agency" means a department, board, bureau,
1 21 commission, or other agency or authority of the state of Iowa.
1 22 3. The office of grants enterprise management shall create
1 23 and distribute a minority impact statement form for state
1 24 agencies and ensure its inclusion with applications for
1 25 grants.
1 26 4. Each state agency shall give a minority impact
1 27 statement in a grant application that proposes to have a
1 28 positive impact on minorities additional weighting when
1 29 awarding grants.
1 30 5. The directives of this section shall be carried out to
1 31 the extent consistent with federal law.
1 32 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
1 33 effect July 1, 2008, and shall apply to grants for which
1 34 applications are due beginning August 1, 2008.

1 35 EXPLANATION



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House File 2288 - Introduced continued

2 1 This bill requires that all applications for grants from
2 2 state agencies include a minority impact statement to be
2 3 submitted by grant applicants. The minority impact statement
2 4 shall include three types of information: any
2 5 disproportionate or unique impact of the proposed policies or
2 6 programs on the state's minority persons; a rationale for the
2 7 existence of the programs or policies if they have an impact
2 8 on minority persons; and evidence that the applicant has
2 9 consulted with representatives of minority persons if there is
2 10 such an impact on minority persons.

2 11 For the purposes of the bill, "minority persons" are
2 12 identified as women, persons with disabilities, Blacks,
2 13 Latinos, Asians or Pacific Islanders, American Indians, and
2 14 Alaskan Native Americans. "Disability" means a physical or
2 15 mental impairment that substantially limits one or more of the
2 16 major life activities of the individual, a record of physical
2 17 or mental impairment that substantially limits one or more of
2 18 the major life activities of the individual, or being regarded
2 19 as an individual with a physical or mental impairment that
2 20 substantially limits one or more of the major life activities
2 21 of the individual. "State agency" means a department, board,
2 22 bureau, commission, or other agency or authority of the state
2 23 of Iowa.

2 24 The office of grants enterprise management is given the
2 25 authority to create and distribute a minority impact statement
2 26 form that the state agencies will use in the grant
2 27 applications. The state agencies are charged with giving
2 28 grant applications with a minority impact statement that
2 29 proposes to have a positive impact on minorities additional
2 30 weighting when awarding grants. The directives of the bill
2 31 are to be carried out to the extent that they do not interfere
2 32 with federal law.

2 33 The bill states that use of the minority impact statement
2 34 shall become applicable for grant applications that are due
2 35 beginning August 1, 2008.



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House File 2288 - Introduced continued

3 1 LSB 5551HH 82
3 2 ak/nh/8



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House File 2289 - Introduced

HOUSE FILE
BY REICHERT and KRESSIG

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

A BILL FOR

1 An Act providing for a property tax credit for buildings meeting
2 certification requirements for designation as a green
3 building, making an appropriation, and including an effective
4 and applicability date provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5783HH 82
7 rn/rj/5



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House File 2289 - Introduced continued

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1 1 Section 1. NEW SECTION. 425B.1 GREEN BUILDING PROPERTY
1 2 TAX CREDIT FUND.
1 3 There is created as a permanent fund in the office of the
1 4 treasurer of state a fund to be known as the green building
1 5 property tax credit fund. For the purposes of establishing
1 6 and maintaining this fund, for each fiscal year there is
1 7 appropriated from the general fund of the state and deposited
1 8 into the green building property tax credit fund an amount
1 9 sufficient to implement this chapter.
1 10 Sec. 2. NEW SECTION. 425B.2 DEFINITIONS.
1 11 As used in this chapter, unless the context otherwise
1 12 requires:
1 13 1. "Department" means the department of public safety.
1 14 2. "Energy star designation" means qualification pursuant
1 15 to a joint program of the United States environmental
1 16 protection agency and the United States department of energy
1 17 certifying appliances and homes which meet specified energy
1 18 efficiency guidelines.
1 19 3. "Green building" means a building used for residential,
1 20 commercial, or industrial purposes which, either through
1 21 renovation or new construction, meets the LEED silver rating
1 22 standard of the United States green building council, the
1 23 energy star designation, a high energy efficiency score based
1 24 upon the HERS index, or one or more other standards or
1 25 designations as established by the department by rule.
1 26 4. "HERS index" means a home energy rating system score
1 27 established by the residential energy services network in
1 28 which a home is compared to the energy specifications of a
1 29 reference home and assigned an energy efficiency score.
1 30 5. "LEED silver rating standard" means the United States
1 31 green building council leadership in energy and environmental
1 32 design rating standard for green buildings, referred to as the
1 33 silver standard.
1 34 6. "Property owner" or "owner" means the owner or owners
1 35 of property, as shown by the transfer books in the office of



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2 1 the county auditor of the county in which the property is
2 2 located.

2 3 Sec. 3. NEW SECTION. 425B.3 WHERE CREDIT GIVEN ==
2 4 APPORTIONMENT == PAYMENT.

2 5 1. The green building property tax credit fund shall be
2 6 apportioned each year so as to give a credit against the tax
2 7 levied on ten percent of the assessed valuation of
2 8 residential, commercial, or industrial green building
2 9 property.

2 10 2. The director of the department of administrative
2 11 services shall issue warrants on the green building property
2 12 tax credit fund payable under this chapter to the county
2 13 treasurer of the several counties of the state. The amount
2 14 due each county shall be paid in two payments on November 15
2 15 and March 15 of each fiscal year, drawn upon warrants payable
2 16 to the respective county treasurers. The two payments shall
2 17 be as nearly equal as possible.

2 18 3. The amount of credits shall be apportioned by each
2 19 county treasurer to the several taxing districts as provided
2 20 by law, in the same manner as though the amount of the credit
2 21 had been paid by the owner. However, the several taxing
2 22 districts shall not draw the funds so credited until after the
2 23 semiannual allocations have been received by the county
2 24 treasurer, as provided in this chapter. Each county treasurer
2 25 shall show on each tax receipt the amount received from the
2 26 green building property tax credit fund.

2 27 4. The green building property tax credit allowed in this
2 28 chapter shall not exceed the actual amount of taxes payable on
2 29 a green building, exclusive of any special assessments levied
2 30 against the building.

2 31 Sec. 4. NEW SECTION. 425B.4 CLAIM FOR CREDIT.

2 32 1. A claim for credit shall be made on claim forms
2 33 prescribed by the department of revenue and made available by
2 34 the county assessor of the county in which the green building
2 35 is located. In addition to the completed claim form, the



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3 1 owner shall supply a legible copy of a green building property
3 2 tax credit eligibility certificate obtained from the
3 3 department of public safety. The claim shall be filed not
3 4 later than July 1 of the year for which the owner is claiming
3 5 the credit. A claim filed after July 1 of the year for which
3 6 the person is claiming the credit shall be considered as a
3 7 claim filed for the following year.

3 8 2. Upon the filing and allowance of the claim, the claim
3 9 shall be allowed on the green building for a ten-year period,
3 10 and shall remain allowed for successive years within the
3 11 ten-year period without further filing as long as the building
3 12 continues to be legally or equitably owned by the owner. If
3 13 the building is sold, the credit for the period after the sale
3 14 which would have been allowable under this chapter to the
3 15 prior owner had the building not been sold shall be allowable
3 16 to the new owner. A tax credit for the year of sale shall be
3 17 allocated between the parties on the basis of the number of
3 18 days during such year that the building was owned by each.

3 19 Sec. 5. NEW SECTION. 425B.5 GREEN BUILDING ELIGIBILITY
3 20 CERTIFICATE.

3 21 1. Prior to submitting a claim for a green building
3 22 property tax credit, an owner shall obtain from an architect
3 23 or professional engineer licensed to practice in this state, a
3 24 local building department inspector, or a local contractor,
3 25 certified in green building construction methodologies
3 26 identified by the department pursuant to section 425B.2,
3 27 subsection 3, a completed green building eligibility
3 28 certificate.

3 29 2. The eligibility certificate shall consist of a
3 30 certificate, under seal, that the building with respect to
3 31 which the credit is claimed is a green building. The
3 32 eligibility certification shall be made in accordance with the
3 33 standards and guidelines in effect at the time the property
3 34 which is the basis for the credit was renovated or newly
3 35 constructed in a form and in a manner as prescribed by the



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4 1 department by rule, and shall set forth the specific findings
4 2 upon which the certification was based.

4 3 3. The eligibility certificate shall include sufficient
4 4 information to identify the building subject to the
4 5 certificate, and such other information as the department
4 6 shall require. The owner shall file a copy of each
4 7 eligibility certificate obtained with the department.

4 8 Sec. 6. NEW SECTION. 425B.6 COMPUTATION BY AUDITOR.

4 9 1. The credit, if allowed, shall be computed by the county
4 10 auditor on or before August 1 each year for the ten-year
4 11 period for which a green building shall be eligible in an
4 12 amount equal to the tax levied on ten percent of the
4 13 property's assessed valuation. On or before August 1, the
4 14 auditor shall certify the total amount of the credits to the
4 15 department of revenue.

4 16 2. A person whose claim for a green building property tax
4 17 credit is denied may file an appeal with the department within
4 18 sixty days from the date of denial pursuant to the provisions
4 19 of chapter 17A.

4 20 Sec. 7. NEW SECTION. 425B.7 RULES.

4 21 1. The department of public safety, with assistance from
4 22 the department of natural resources, shall adopt rules
4 23 adopting standards for a building to qualify as a green
4 24 building. The department of public safety and the department
4 25 of revenue shall adopt additional rules necessary to
4 26 administer this chapter.

4 27 Sec. 8. EFFECTIVE AND APPLICABILITY DATES. This Act,
4 28 being deemed of immediate importance, takes effect upon
4 29 enactment and applies to property taxes due and payable in
4 30 fiscal years beginning on or after July 1, 2008.

4 31 EXPLANATION

4 32 This bill provides a property tax credit for green
4 33 buildings. The bill creates an annual green building property
4 34 tax credit fund, and provides for a standing unlimited annual
4 35 appropriation from the general fund of the state to the green



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5 1 building property tax credit fund in an amount sufficient to
5 2 pay the green building property tax credits.
5 3 The credit shall consist of an amount computed against the
5 4 assessed valuation of residential, commercial, or industrial
5 5 property equal to 10 percent of the assessed value, and shall
5 6 continue for a 10-year period. The bill specifies procedures
5 7 regarding transferring the credit to a successor owner,
5 8 claiming the credit, obtaining a green building eligibility
5 9 certificate from the department of public safety, submitting a
5 10 certificate completed by a professional certified in green
5 11 building construction with the claim to the department of
5 12 revenue, and filing a copy with the department of public
5 13 safety.
5 14 The bill provides that the department of public safety,
5 15 with assistance from the department of natural resources,
5 16 adopt rules adopting standards for a building to qualify as a
5 17 green building. The bill further provides that the department
5 18 of revenue shall adopt additional rules necessary to
5 19 administer the bill's provisions.
5 20 The bill takes effect upon enactment and applies to
5 21 property taxes due and payable in fiscal years beginning on or
5 22 after July 1, 2008.
5 23 LSB 5783HH 82
5 24 rn/rj/5.1



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House Joint Resolution 2004 - Introduced

HOUSE JOINT RESOLUTION
BY JACOBS

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

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution of
2 the State of Iowa relating to cigarette and tobacco product
3 taxes.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5075YH 82
6 pf/rj/24



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House Joint Resolution 2004 - Introduced continued

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1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Article VII of the Constitution of the State of Iowa is
1 4 amended by adding the following new section:

1 5 CIGARETTE AND TOBACCO PRODUCT REVENUES. SEC. 10. All
1 6 revenues derived from state taxes on cigarettes and tobacco
1 7 products shall be used exclusively for the purposes of health
1 8 care.

1 9 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 10 to the Constitution of the State of Iowa is referred to the
1 11 General Assembly to be chosen at the next general election for
1 12 members of the General Assembly and the Secretary of State is
1 13 directed to cause the same to be published for three
1 14 consecutive months previous to the date of that election as
1 15 provided by law.

1 16 EXPLANATION

1 17 This joint resolution proposes an amendment to the
1 18 Constitution of the State of Iowa regarding state taxes on
1 19 cigarettes and tobacco products to require that all revenue
1 20 derived from such taxes be used exclusively for the purposes
1 21 of health care.

1 22 The joint resolution, if adopted, would be referred to the
1 23 next general assembly for adoption a second time before being
1 24 submitted to the electorate for ratification.

1 25 LSB 5075YH 82

1 26 pf/rj/24



Iowa General Assembly
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House Resolution 106 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY SMITH and FOEGE
1 3 A Resolution to designate the month of March 2008 as
1 4 Professional Social Work Month.
1 5 WHEREAS, social workers have the necessary
1 6 education and experience to guide individuals,
1 7 families, and communities through complex issues and
1 8 choices; and
1 9 WHEREAS, social workers connect individuals,
1 10 families, and communities to available resources; and
1 11 WHEREAS, social workers are dedicated to improving
1 12 the society in which we live; and
1 13 WHEREAS, social workers are positive and
1 14 compassionate professionals; and
1 15 WHEREAS, social workers stand up for the rights of
1 16 others, ensuring that everyone has access to the same
1 17 basic rights, protections, and opportunities; and
1 18 WHEREAS, social workers help people help
1 19 themselves, whenever and wherever they need it most;
1 20 and
1 21 WHEREAS, social workers have been the driving force
1 22 behind important social movements in the United States
1 23 and abroad; and
1 24 WHEREAS, social workers are committed and dedicated
1 25 to individuals, families, and communities everywhere
1 26 through service delivery, research, education, and
1 27 legislative advocacy; NOW THEREFORE,
1 28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 29 That the House of Representatives recognizes and
1 30 designates the month of March 2008 as Professional



Iowa General Assembly
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House Resolution 106 - Introduced continued

2 1 Social Work Month and calls upon all citizens to join
2 2 with the National Association of Social Workers, Iowa
2 3 Chapter, in celebration and support of social workers
2 4 and the social work profession.
2 5 LSB 5765HH 82
2 6 jr/rj/8



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House Resolution 107 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY RAYHONS, KUHN, and UPMEYER
1 3 A Resolution honoring Winnebago Industries on its 50th
1 4 anniversary.
1 5 WHEREAS, on February 12, 2008, Winnebago Industries
1 6 will mark a half century as an Iowa business,
1 7 celebrating a history of innovation and quality dating
1 8 back to 1958; and
1 9 WHEREAS, in 1958, businessman John K. Hanson and a
1 10 cadre of Winnebago County community leaders opened a
1 11 travel trailer factory; and
1 12 WHEREAS, by 1960 the company was christened as
1 13 "Winnebago Industries" and the travel trailer industry
1 14 would never be the same; and
1 15 WHEREAS, innovation has always been a key element
1 16 of Winnebago Industries, which began to manufacture
1 17 furniture and other components designed specifically
1 18 for its travel trailers; and
1 19 WHEREAS, the innovative "Thermo=Panel" was a
1 20 strong, lightweight sidewall that was a characteristic
1 21 of Winnebago products; and
1 22 WHEREAS, in 1966, Winnebago Industries manufactured
1 23 its first motor home, which soon became so popular
1 24 that the term Winnebago became synonymous with motor
1 25 homes; and
1 26 WHEREAS, the company reached a milestone in 1970
1 27 when Winnebago Industries "went public", and was
1 28 listed on the New York Stock Exchange; and
1 29 WHEREAS, in its 50th year Winnebago Industries has
1 30 manufactured its 500,000th vehicle; and



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House Resolution 107 - Introduced continued

2 1 WHEREAS, both company Chairman and Chief Executive
2 2 Officer Bruce Hertzke and President Bob Olson are
2 3 career Winnebago employees, together completing almost
2 4 75 years of service; and
2 5 WHEREAS, in honor of its 50th anniversary,
2 6 Winnebago Industries' representatives rang the closing
2 7 bell at the New York Stock Exchange on February 12,
2 8 2008; and
2 9 WHEREAS, today, Winnebago Industries remains one of
2 10 the largest manufacturers of motor homes within the
2 11 United States, with models sold under the Winnebago,
2 12 Rialta, Ultimate, Vectra, and Itasca brand names; NOW
2 13 THEREFORE,
2 14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 15 That the House of Representatives honors Winnebago
2 16 Industries on its 50th anniversary and thanks the
2 17 company and its many employees for a dedication to
2 18 excellence and innovation that brings credit to all of
2 19 Iowa.
2 20 LSB 5792HH 82
2 21 jr/nh/8.1



Iowa General Assembly
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House Study Bill 674

HOUSE FILE
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON HUSER)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act authorizing counties to charge an administrative fee for
2 issuance or renewal of a driver's license or nonoperator's
3 identification card.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5966YC 82
6 dea/nh/5



Iowa General Assembly
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House Study Bill 674 continued

PAG LIN

1 1 Section 1. Section 321M.9, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. FEES TO COUNTIES. Notwithstanding any other provision
1 4 in the Code to the contrary, the county treasurer of a county
1 5 authorized to issue driver's licenses under this chapter shall
1 6 retain for deposit in the county general fund seven dollars of
1 7 fees received pursuant to chapter 321 for each issuance or
1 8 renewal of ~~driver's licenses and nonoperator's identification~~
~~1 9 cards~~ a driver's license or nonoperator's identification card,
1 10 but shall not retain any moneys for the issuance of any
1 11 persons with disabilities identification devices. The five
1 12 dollar processing fee charged by a county treasurer for
1 13 collection of a civil penalty under section 321.218A or
1 14 321A.32A shall be retained for deposit in the county general
1 15 fund. The county treasurer shall remit the balance of fees
1 16 and all civil penalties to the department.
1 17 Sec. 2. Section 321M.9, Code Supplement 2007, is amended
1 18 by adding the following new subsection:
1 19 NEW SUBSECTION. 5. ADMINISTRATIVE FEE. Notwithstanding
1 20 any other provision, the county treasurer of a county
1 21 authorized to issue driver's licenses under this chapter may
1 22 charge an administrative fee of not more than three dollars
1 23 for the issuance or renewal of a driver's license or
1 24 nonoperator's identification card if authorized by the county
1 25 board of supervisors. This amount shall be added to the total
1 26 amount of the fee, including any applicable surcharges, due
1 27 pursuant to chapter 321. Moneys collected from administrative
1 28 fees under this subsection shall be deposited in the county
1 29 general fund.
1 30 Sec. 3. Section 331.557A, Code Supplement 2007, is amended
1 31 by adding the following new subsection:
1 32 NEW SUBSECTION. 3A. If authorized by the board, collect
1 33 an administrative fee for the issuance or renewal of a
1 34 driver's license or nonoperator's identification card, to be
1 35 retained by the county for deposit in the county general fund.



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House Study Bill 674 continued

2 1 EXPLANATION
2 2 This bill allows a county treasurer to charge an applicant
2 3 for a driver's license or nonoperator's identification card an
2 4 administrative fee of not more than \$3 for the issuance or
2 5 renewal of a driver's license or nonoperator's identification
2 6 card, if authorized by the county board of supervisors. The
2 7 fee would be retained for deposit in the county's general
2 8 fund.
2 9 Currently, county treasurers who issue driver's licenses
2 10 retain, for deposit in the county's general fund, \$7 from fees
2 11 collected for each driver's license or nonoperator's
2 12 identification card issued or renewed by the treasurer.
2 13 LSB 5966YC 82
2 14 dea/nh/5



Iowa General Assembly
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House Study Bill 675

SENATE/HOUSE FILE
 BY (PROPOSED DEPARTMENT OF
 HUMAN SERVICES BILL)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to sexual misconduct with a juvenile, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5346DP 82
- 5 jm/rj/8



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House Study Bill 675 continued

PAG LIN

1 1 Section 1. Section 709.16, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. An officer, employee, contractor, vendor, volunteer, or
1 4 agent of a juvenile placement facility who engages in a sex
1 5 act with a juvenile placed at such facility commits ~~an~~
~~1 6 aggravated misdemeanor~~ a class "C" felony.

1 7 For purposes of this subsection, a "juvenile placement
1 8 facility" means any of the following:

1 9 a. A child foster care facility licensed under section
1 10 237.4.

1 11 b. Institutions controlled by the department of human
1 12 services listed in section 218.1.

1 13 c. Juvenile detention and juvenile shelter care homes
1 14 approved under section 232.142.

1 15 d. Psychiatric medical institutions for children licensed
1 16 under chapter 135H.

1 17 e. Substance abuse facilities as defined in section 125.2.

1 18 EXPLANATION

1 19 This bill relates to sexual misconduct with a juvenile.

1 20 The bill increases the penalty from an aggravated
1 21 misdemeanor to a class "C" felony, for an officer, employee,
1 22 contractor, vendor, volunteer, or agent of a juvenile
1 23 placement facility who engages in a sex act with a juvenile
1 24 placed at such a facility. A "juvenile placement facility" is
1 25 defined in Code section 709.16(2).

1 26 The term "sex act" is defined in Code section 702.17.

1 27 A class "C" felony is punishable by confinement for no more
1 28 than 10 years and a fine of at least \$1,000 but not more than
1 29 \$10,000. An aggravated misdemeanor is punishable by
1 30 confinement for no more than two years and a fine of at least
1 31 \$625 but not more than \$6,250.

1 32 LSB 5346DP 82

1 33 jm/rj/8.1



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House Study Bill 676

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act limiting the scope of the electronic benefits transfer
- 2 program maintained by the department of human services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5361DP 82
- 5 jp/nh/8



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House Study Bill 676 continued

PAG LIN

1 1 Section 1. Section 234.1, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 3A. "Food assistance program" means the
1 4 benefits provided through the United States department of
1 5 agriculture program administered by the department of human
1 6 services in accordance with 7 C.F.R. pts. 270=283.

1 7 Sec. 2. Section 234.12A, subsection 1, unnumbered
1 8 paragraph 1, Code 2007, is amended to read as follows:

1 9 The department of human services shall maintain an
1 10 electronic benefits transfer program utilizing electronic
1 11 funds transfer systems for the food assistance program. The
1 12 electronic benefits transfer program implemented under this
1 13 section shall at a minimum provide for all of the following:

1 14 Sec. 3. Section 234.12A, subsection 3, Code 2007, is
1 15 amended to read as follows:

1 16 3. For the purposes of this section, "retailer" means a
1 17 business authorized by the United States department of
1 18 agriculture to accept food ~~stamp~~ assistance program benefits.

EXPLANATION

1 19
1 20 This bill limits the scope of the electronic benefits
1 21 transfer program maintained by the department of human
1 22 services. The name of the federal food stamp program is in
1 23 transition because these benefits are no longer distributed in
1 24 paper form. The term "food assistance program" is defined to
1 25 mean the benefits provided through the United States
1 26 department of agriculture program administered by the
1 27 department of human services in accordance with the code of
1 28 federal regulations for the food stamp program. A reference
1 29 to the food stamp program in Code section 234.12A is amended
1 30 to change to the new defined term.

1 31 The bill also amends Code section 234.12A, requiring the
1 32 department to maintain an electronic benefits transfer
1 33 program, to provide that the requirement only applies to
1 34 benefits provided through the food assistance program.

1 35 LSB 5361DP 82



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House Study Bill 676 continued

2 1 jp/nh/8.1



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House Study Bill 677

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the regulation of health-related professions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5430DP 82
- 4 jr/nh/5



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House Study Bill 677 continued

PAG LIN

1 1 DIVISION I

1 2 PROFESSIONAL LICENSURE == HEALTH-RELATED PROFESSIONS

1 3 Section 1. Section 147.1, Code Supplement 2007, is amended

1 4 to read as follows:

1 5 147.1 DEFINITIONS.

1 6 ~~1. As used in this chapter, unless the context otherwise~~

~~1 7 requires, "book", "list", "record", or "schedule" kept by a~~

~~1 8 county auditor, assessor, treasurer, recorder, sheriff, or~~

~~1 9 other county officer means the county system as defined in~~

~~1 10 section 445.1.~~

1 11 2. For the purpose of this and the following chapters of

1 12 this subtitle:

1 13 ~~a. 1. "Board" shall mean~~ means one of the boards

1 14 enumerated in section 147.13 or any other board established in

1 15 this subtitle ~~which is~~ whose members are appointed by the

1 16 governor to license applicants and impose licensee discipline

1 17 as authorized by law.

1 18 ~~b. 2. "Department" shall mean~~ means the Iowa department

1 19 of public health.

1 20 ~~c. 3. "Licensed" or "certified", when applied to a~~

1 21 physician and surgeon, podiatric physician, ~~osteopath,~~

1 22 osteopathic physician and surgeon, physician assistant,

1 23 psychologist ~~or associate psychologist,~~ chiropractor, nurse,

1 24 dentist, dental hygienist, dental assistant, optometrist,

1 25 speech pathologist, audiologist, pharmacist, physical

1 26 therapist, physical therapist assistant, occupational

1 27 therapist, occupational therapist assistant, respiratory care

1 28 practitioner, practitioner of cosmetology arts and sciences,

1 29 practitioner of barbering, funeral director, dietitian,

1 30 marital and family therapist, mental health counselor, social

1 31 worker, massage therapist, athletic trainer, acupuncturist,

1 32 nursing home administrator, hearing aid dispenser, or sign

1 33 language interpreter or transliterator means a person licensed

1 34 under this subtitle.

1 35 ~~d. 4. "Peer review" means~~ evaluation of professional



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2 1 services rendered by a person licensed to practice a
2 2 profession.

2 3 ~~e.~~ 5. "Peer review committee" means one or more persons
2 4 acting in a peer review capacity who also serve as an officer,
2 5 director, trustee, agent, or member of any of the following:

2 6 ~~(1)~~ a. A state or local professional society of a
2 7 profession for which there is peer review.

2 8 ~~(2)~~ b. Any organization approved to conduct peer review
2 9 by a society as designated in paragraph "a" of this
2 10 subsection.

2 11 ~~(3)~~ c. The medical staff of any licensed hospital.

2 12 ~~(4)~~ d. A board enumerated in section 147.13 or any other
2 13 board established in this subtitle which is appointed by the
2 14 governor to license applicants and impose licensee discipline
2 15 as authorized by law.

2 16 ~~(5)~~ e. The board of trustees of a licensed hospital when
2 17 performing a function relating to the reporting required by
2 18 section 147.135, subsection 3.

2 19 ~~(6)~~ f. A health care entity, including but not limited to
2 20 a group medical practice, that provides health care services
2 21 and follows a formal peer review process for the purpose of
2 22 furthering quality health care.

2 23 ~~f.~~ 6. "Profession" means medicine and surgery, podiatry,
2 24 ~~osteopathy,~~ osteopathic medicine and surgery, practice as a
2 25 physician assistant, psychology, chiropractic, nursing,
2 26 dentistry, dental hygiene, dental assisting, optometry, speech
2 27 pathology, audiology, pharmacy, physical therapy, physical
2 28 therapy assisting, occupational therapy, occupational therapy
2 29 assisting, respiratory care, cosmetology arts and sciences,
2 30 barbering, mortuary science, dietetics, marital and family
2 31 therapy, mental health counseling, social work, dietetics,
2 32 massage therapy, athletic training, acupuncture, nursing home
2 33 administration, hearing aid dispensing, or sign language
2 34 interpreting or transliterating.

2 35 Sec. 2. Section 147.2, Code Supplement 2007, is amended to



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3 1 read as follows:

3 2 147.2 LICENSE REQUIRED.

3 3 1. A person shall not engage in the practice of medicine
3 4 and surgery, podiatry, osteopathy, osteopathic medicine and
3 5 surgery, psychology, chiropractic, physical therapy, physical
3 6 therapy assisting, nursing, dentistry, dental hygiene, dental
3 7 assisting, optometry, speech pathology, audiology,
3 8 occupational therapy, occupational therapy assisting,
3 9 respiratory care, pharmacy, cosmetology arts and sciences,
3 10 barbering, social work, dietetics, marital and family therapy
3 11 or mental health counseling, massage therapy, mortuary
3 12 science, athletic training, acupuncture, nursing home
3 13 administration, hearing aid dispensing, or sign language
3 14 interpreting or transliterating, or shall not practice as a
3 15 physician assistant ~~as defined in the following chapters of~~
~~3 16 this subtitle~~, unless the person has obtained ~~from the~~
~~3 17 department~~ a license for that purpose from the board for the
3 18 profession.

3 19 2. For purposes of this section, a person who is licensed
3 20 in another state and recognized for licensure in this state
3 21 pursuant to the nurse licensure compact contained in section
3 22 152E.1 or pursuant to the advanced practice registered nurse
3 23 compact contained in section 152E.3 shall be considered to
3 24 have obtained a license to practice nursing ~~from the~~
~~3 25 department~~.

3 26 Sec. 3. Section 147.3, Code 2007, is amended to read as
3 27 follows:

3 28 147.3 QUALIFICATIONS.

3 29 An applicant for a license to practice a profession under
3 30 this subtitle is not ineligible because of age, citizenship,
3 31 sex, race, religion, marital status, or national origin,
3 32 although the application form may require citizenship
3 33 information. A board may consider the past felony criminal
3 34 record of an applicant only if the felony conviction relates
3 35 directly to the practice of the profession for which the



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4 1 applicant requests to be licensed. ~~Character references may~~
~~4 2 be required, but shall not be obtained from licensed members~~
~~4 3 of the profession.~~

4 4 Sec. 4. Section 147.4, Code 2007, is amended to read as
4 5 follows:

4 6 147.4 GROUNDS FOR REFUSING.

4 7 ~~The department~~ A board may refuse to grant a license to
4 8 practice a profession to any person otherwise qualified upon
4 9 any of the grounds for which a license may be revoked or
4 10 suspended.

4 11 Sec. 5. Section 147.5, Code Supplement 2007, is amended to
4 12 read as follows:

4 13 147.5 LICENSE REQUIRED ~~== EXCEPTION.~~

4 14 1. Every license to practice a profession shall be in the
4 15 form of a certificate under the seal ~~of the department, signed~~
~~4 16 by the director of public health of the board.~~ Such license
4 17 shall be issued in the name of the ~~licensing board which~~
~~4 18 conducts examinations for that particular profession.~~

4 19 2. This section shall not apply to a person who is
4 20 licensed in another state and recognized for licensure in this
4 21 state pursuant to the nurse licensure compact contained in
4 22 section 152E.1 or pursuant to the advanced practice registered
4 23 nurse compact contained in section 152E.3.

4 24 Sec. 6. Section 147.7, Code 2007, is amended to read as
4 25 follows:

4 26 147.7 DISPLAY OF LICENSE.

4 27 ~~Every person licensed under this subtitle to practice a~~
~~4 28 profession shall keep the license publicly displayed in the~~
~~4 29 primary place in which the person practices.~~

4 30 1. A board may require every person licensed by the board
4 31 to display the license and evidence of current renewal
4 32 publicly in a manner prescribed by the board.

4 33 2. This section shall not apply to a person who is
4 34 licensed in another state and recognized for licensure in this
4 35 state pursuant to the nurse licensure compact contained in



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5 1 section 152E.1 or pursuant to the advanced practice registered
5 2 nurse compact contained in section 152E.3. A person licensed
5 3 in another state and recognized for licensure in this state
5 4 pursuant to either compact shall, however, maintain a copy of
5 5 a license issued by the person's home state available for
5 6 inspection when engaged in the practice of nursing in this
5 7 state.

5 8 Sec. 7. Section 147.8, Code 2007, is amended to read as
5 9 follows:

5 10 147.8 RECORD OF LICENSES.

5 11 The A board shall keep the following information available
5 12 for public inspection for each person licensed by the board:
5 13 name, location, number of years of practice of the person to
~~5 14 whom a license is issued to practice a profession address of~~
5 15 record, the number of the certificate license, and the date of
5 16 registration thereof shall be kept and made available in a
~~5 17 manner which is open to public inspection issuance of the~~
5 18 license.

5 19 Sec. 8. Section 147.9, Code 2007, is amended by striking
5 20 the section and inserting in lieu thereof the following:

5 21 147.9 CHANGE OF ADDRESS.

5 22 Every person licensed pursuant to this chapter shall notify
5 23 the board which issued the license of a change in the person's
5 24 address of record within a time period established by board
5 25 rule.

5 26 Sec. 9. Section 147.10, Code 2007, is amended to read as
5 27 follows:

5 28 147.10 RENEWAL.

5 29 1. Every license to practice a profession shall expire in
5 30 multiyear intervals and be renewed as determined by the board
5 31 upon application by the licensee, without examination. Each
5 32 board shall establish rules for license renewal and
5 33 concomitant fees. Application for renewal shall be made in
~~5 34 writing to the department to the board accompanied by the~~
5 35 required fee at least thirty days prior to the expiration of



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6 1 such license. ~~Every renewal shall be displayed in connection~~
~~6 2 with the original license. The department shall notify each~~
~~6 3 licensee prior to the expiration of a license. Failure to~~
~~6 4 renew the license within a reasonable time after the~~
~~6 5 expiration shall not invalidate the license, but a reasonable~~
~~6 6 penalty may be assessed by the board.~~

6 7 2. Each board may by rule establish a grace period
6 8 following expiration of a license in which the license is not
6 9 invalidated. Each board may assess a reasonable penalty for
6 10 renewal of a license during the grace period. Failure of a
6 11 licensee to renew a license within the grace period shall
6 12 cause the license to become inactive or lapsed. A licensee
6 13 whose license is inactive or lapsed shall not engage in the
6 14 practice of the profession until the license is reactivated or
6 15 reinstated.

6 16 Sec. 10. Section 147.11, Code Supplement 2007, is amended
6 17 by striking the section and inserting in lieu thereof the
6 18 following:

6 19 147.11 REACTIVATION AND REINSTATEMENT.

6 20 1. A licensee who allows the license to become inactive or
6 21 lapsed by failing to renew the license, as provided in section
6 22 147.10, may be reactivated upon payment of a reactivation fee
6 23 and compliance with other terms established by board rule.

6 24 2. A licensee whose license has been revoked, suspended,
6 25 or voluntarily surrendered must apply for and receive
6 26 reinstatement of the license in accordance with board rule and
6 27 must apply for and be granted reactivation of the license in
6 28 accordance with board rule prior to practicing the profession.

6 29 Sec. 11. Section 147.12, Code Supplement 2007, is amended
6 30 to read as follows:

6 31 147.12 HEALTH PROFESSION BOARDS.

~~6 32 1. For the purpose of giving examinations to applicants~~
~~6 33 for licenses to practice the professions for which licenses~~
~~6 34 are required by this subtitle, the The governor shall appoint,~~
6 35 subject to confirmation by the senate, a board for each of the



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House Study Bill 677 continued

7 1 professions. The board members shall not be required to be
7 2 members of professional societies or associations composed of
7 3 members of their professions.
7 4 2. If a person who has been appointed by the governor to
7 5 serve on a board has ever been disciplined in a contested case
7 6 by the board to which the person has been appointed, all board
7 7 ~~complaints and~~ statements of charges, settlement agreements,
7 8 findings of fact, and orders pertaining to the disciplinary
7 9 action shall be made available to the senate committee to
7 10 which the appointment is referred at the committee's request
7 11 before the full senate votes on the person's appointment.
7 12 Sec. 12. Section 147.13, subsections 6, 15, 16, 18, 19,
7 13 20, 21, 22, and 23, Code Supplement 2007, are amended to read
7 14 as follows:
7 15 6. For ~~physical therapists~~ therapy and occupational
7 16 ~~therapists~~ therapy, the board of physical and occupational
7 17 therapy.
7 18 15. For social ~~workers~~ work, the board of social work.
7 19 16. For marital and family ~~therapists~~ therapy and mental
7 20 health ~~counselors~~ counseling, the board of behavioral science.
7 21 18. For respiratory care ~~therapists~~ therapy, the board of
7 22 respiratory care.
7 23 19. For massage ~~therapists~~ therapy, the board of massage
7 24 therapy.
7 25 20. For athletic ~~trainers~~ training, the board of athletic
7 26 training.
7 27 21. For ~~interpreters~~ interpreting, the board of sign
7 28 language interpreters and transliterators.
7 29 22. For hearing ~~aids~~ aid dispensing, the board of hearing
7 30 aid dispensers.
7 31 23. For nursing home ~~administrators~~ administration, the
7 32 board of nursing home administrators.
7 33 Sec. 13. Section 147.14, Code Supplement 2007, is amended
7 34 to read as follows:
7 35 147.14 QUORUM == COMPOSITION OF BOARDS.



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8 1 1. The board members shall consist of the following:
8 2 ~~1. a.~~ For barbering, three members licensed to practice
8 3 barbering, and two members who are not licensed to practice
8 4 barbering and who shall represent the general public. A
~~8 5 quorum shall consist of a majority of the members of the~~
~~8 6 board.~~
8 7 2. b. For medicine, five members licensed to practice
8 8 medicine and surgery, two members licensed to practice
8 9 osteopathic medicine and surgery, and three members not
8 10 licensed to practice either medicine and surgery or
8 11 osteopathic medicine and surgery, and who shall represent the
8 12 general public. ~~A majority of members of the board~~
~~8 13 constitutes a quorum.~~
8 14 3. c. For nursing, four registered nurses, two of whom
8 15 shall be actively engaged in practice, two of whom shall be
8 16 nurse educators from nursing education programs; of these, one
8 17 in higher education and one in area community and
8 18 vocational-technical registered nurse education; one licensed
8 19 practical nurse actively engaged in practice; and two members
8 20 not registered nurses or licensed practical nurses and who
8 21 shall represent the general public. The representatives of
8 22 the general public shall not be members of health care
8 23 delivery systems. ~~A majority of the members of the board~~
~~8 24 constitutes a quorum.~~
8 25 4. d. For dentistry, five members licensed to practice
8 26 dentistry, two members licensed to practice dental hygiene,
8 27 and two members not licensed to practice dentistry or dental
8 28 hygiene and who shall represent the general public. A
~~8 29 majority of the members of the board shall constitute a~~
~~8 30 quorum.~~ No member of the dental faculty of the school of
8 31 dentistry at the state university of Iowa shall be eligible to
8 32 be appointed. Persons appointed to the board as dental
8 33 hygienist members shall not be employed by or receive any form
8 34 of remuneration from a dental or dental hygiene educational
8 35 institution. The two dental hygienist board members and one



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9 1 ~~dentist~~ dental board member shall constitute a dental hygiene
9 2 committee of the board as provided in section 153.33A.
9 3 ~~5.~~ e. For pharmacy, five members licensed to practice
9 4 pharmacy and two members who are not licensed to practice
9 5 pharmacy and who shall represent the general public. A
~~9 6 majority of the members of the board shall constitute a~~
~~9 7 quorum.~~
9 8 ~~6.~~ f. For optometry, five members licensed to practice
9 9 optometry and two members who are not licensed to practice
9 10 optometry and who shall represent the general public. A
~~9 11 majority of the members of the board shall constitute a~~
~~9 12 quorum.~~
9 13 ~~7.~~ g. For psychology, five members who are licensed to
9 14 practice psychology and two members not licensed to practice
9 15 psychology and who shall represent the general public. Of the
9 16 five members who are licensed to practice psychology, one
9 17 member shall be primarily engaged in graduate teaching in
9 18 psychology or primarily engaged in research psychology, ~~two~~
9 19 three members shall be persons who render services in
9 20 psychology, and one member shall represent areas of applied
9 21 psychology and may be affiliated with training institutions
9 22 and shall devote a major part of the member's time to
9 23 rendering service in psychology, ~~and one member shall be~~
~~9 24 primarily engaged in research psychology. A majority of the~~
~~9 25 members of the board constitutes a quorum.~~
9 26 ~~8.~~ h. For chiropractic, five members licensed to practice
9 27 chiropractic and two members who are not licensed to practice
9 28 chiropractic and who shall represent the general public. A
~~9 29 majority of the members of the board shall constitute a~~
~~9 30 quorum.~~
9 31 ~~9.~~ i. For speech pathology and audiology, five members
9 32 licensed to practice speech pathology or audiology at least
9 33 two of which shall be licensed to practice speech pathology
9 34 and at least two of which shall be licensed to practice
9 35 audiology, and two members who are not licensed to practice



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10 1 speech pathology or audiology and who shall represent the
10 2 general public. ~~A majority of the members of the board shall~~
~~10 3 constitute a quorum.~~

10 4 ~~10.~~ j. For physical therapy and occupational therapy,
10 5 three members licensed to practice physical therapy, two
10 6 members licensed to practice occupational therapy, and two
10 7 members who are not licensed to practice physical therapy or
10 8 occupational therapy and who shall represent the general
10 9 public. ~~A quorum shall consist of a majority of the members~~
~~10 10 of the board.~~

10 11 ~~11.~~ k. For dietetics, one licensed dietitian representing
10 12 the approved or accredited dietetic education programs, one
10 13 licensed dietitian representing clinical dietetics ~~in~~
~~10 14 hospitals,~~ one licensed dietitian representing community
10 15 nutrition services and two members who are not licensed
10 16 dietitians and who shall represent the general public. ~~A~~
~~10 17 majority of the members of the board constitutes a quorum.~~

10 18 ~~12.~~ l. For the board of physician assistants, five
10 19 members licensed to practice as physician assistants, at least
10 20 two of whom practice in counties with a population of less
10 21 than fifty thousand, one member licensed to practice medicine
10 22 and surgery who supervises a physician assistant, one member
10 23 licensed to practice osteopathic medicine and surgery who
10 24 supervises a physician assistant, and two members who are not
10 25 licensed to practice either medicine and surgery or
10 26 osteopathic medicine and surgery or licensed as a physician
10 27 assistant and who shall represent the general public. At
10 28 least one of the physician members shall be in practice in a
10 29 county with a population of less than fifty thousand. ~~A~~
~~10 30 majority of members of the board constitutes a quorum.~~

10 31 ~~13.~~ m. For behavioral science, three members licensed to
10 32 practice marital and family therapy, ~~one of whom shall be~~
~~10 33 employed in graduate teaching, training, or research in~~
~~10 34 marital and family therapy and two of whom shall be practicing~~
~~10 35 marital and family therapists;~~ three members licensed to



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11 1 practice mental health counseling, one of whom shall be
11 2 employed in graduate teaching, training, or research in mental
11 3 health counseling and two of whom shall be practicing mental
11 4 health counselors; and three members who are not licensed to
11 5 practice marital and family therapy or mental health
11 6 counseling and who shall represent the general public. ~~A~~
~~11 7 majority of the members of the board constitutes a quorum.~~
11 8 14. n. For cosmetology arts and sciences, a total of
11 9 seven members, three who are licensed cosmetologists, one who
11 10 is a licensed electrologist, esthetician, or nail
11 11 technologist, one who is a licensed instructor of cosmetology
11 12 arts and sciences at a public or private school and who does
11 13 not own a school of cosmetology arts and sciences, and two who
11 14 are not licensed in a practice of cosmetology arts and
11 15 sciences and who shall represent the general public.
11 16 15. o. For respiratory care, one licensed physician with
11 17 training in respiratory care, three respiratory care
11 18 practitioners who have practiced respiratory care for a
11 19 minimum of six years immediately preceding their appointment
11 20 to the board and who are recommended by the society for
11 21 respiratory care, and one member not licensed to practice
11 22 medicine or respiratory care who shall represent the general
11 23 public. ~~A majority of members of the board constitutes a~~
~~11 24 quorum.~~
11 25 16. p. For mortuary science, four members licensed to
11 26 practice mortuary science, one member owning, operating, or
11 27 employed by a crematory, and two members not licensed to
11 28 practice mortuary science and not a crematory owner, operator,
11 29 or employee who shall represent the general public. ~~A~~
~~11 30 majority of the members of the board constitutes a quorum.~~
11 31 17. q. For massage therapists, four members licensed to
11 32 practice massage therapy and three members who are not
11 33 licensed to practice massage therapy and who shall represent
11 34 the general public. ~~A majority of the members of the board~~
~~11 35 constitutes a quorum.~~



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12 1 ~~18.~~ r. For athletic trainers, three members licensed to
12 2 practice athletic training, three members licensed to practice
12 3 medicine and surgery, and one member not licensed to practice
12 4 athletic training or medicine and surgery and who shall
12 5 represent the general public. ~~A majority of the members of~~
~~12 6 the board constitutes a quorum.~~

12 7 ~~19.~~ s. For podiatry, five members licensed to practice
12 8 podiatry and two members who are not licensed to practice
12 9 podiatry and who shall represent the general public. ~~A~~
~~12 10 majority of the members of the board shall constitute a~~
~~12 11 quorum.~~

12 12 ~~20.~~ t. For social work, a total of seven members, five
12 13 who are licensed to practice social work, with at least one
12 14 from each of three levels of licensure described in section
12 15 154C.3, subsection 1, ~~two employed by a licensee under chapter~~
~~12 16 237 and one employed in the area of children's social work,~~
12 17 and two who are not licensed social workers and who shall
12 18 represent the general public.

12 19 ~~21.~~ u. For sign language interpreting and
12 20 transliterating, four members licensed to practice
12 21 interpreting and transliterating, three of whom shall be
12 22 practicing interpreters and transliterators at the time of
12 23 appointment to the board and at least one of whom is employed
12 24 in an educational setting; and three members who are consumers
12 25 of interpreting or transliterating services as defined in
12 26 section 154E.1, each of whom shall be deaf. ~~A majority of~~
~~12 27 members of the board constitutes a quorum.~~

12 28 ~~22.~~ v. For hearing aid dispensers, three licensed hearing
12 29 aid dispensers and two members who are not licensed hearing
12 30 aid dispensers who shall represent the general public. ~~A~~
~~12 31 majority of the members of the board constitutes a quorum. No~~
12 32 more than two members of the board shall be employees of, or
12 33 dispensers principally for, the same hearing aid manufacturer.

12 34 ~~23.~~ w. For nursing home administrators, a total of nine
12 35 members: ~~Four,~~ four who are licensed nursing home



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13 1 administrators, one of whom is the administrator of a
13 2 nonproprietary nursing home; three licensed members of any
13 3 profession concerned with the care and treatment of
13 4 chronically ill or elderly patients who are not nursing home
13 5 administrators or nursing home owners; and two members of the
13 6 general public who are not licensed under this chapter ~~147~~,
13 7 have no financial interest in any nursing home, and who shall
13 8 represent the general public. ~~A majority of the members of~~
~~13 9 the board constitutes a quorum.~~

13 10 2. A majority of the members of a board constitutes a
13 11 quorum.

13 12 Sec. 14. Section 147.19, Code Supplement 2007, is amended
13 13 to read as follows:

13 14 147.19 TERMS OF OFFICE.

13 15 The board members shall serve three-year terms, which shall
13 16 commence and end as provided by section 69.19. Any vacancy in
13 17 the membership of a board shall be filled by appointment of
13 18 the governor subject to senate confirmation. A member shall
13 19 serve no more than ~~three terms or~~ nine years in total on the
13 20 same board.

13 21 Sec. 15. Section 147.21, Code 2007, is amended to read as
13 22 follows:

13 23 147.21 EXAMINATION INFORMATION.

13 24 1. The public members of ~~the~~ a board shall be allowed to
13 25 participate in administrative, clerical, or ministerial
13 26 functions incident to giving the examination, but shall not
13 27 determine the content of the examination or determine the
13 28 correctness of the answers.

13 29 2. A member of the board shall not disclose information
13 30 relating to any of the following:

13 31 ~~1. Criminal history or prior misconduct of the applicant.~~

13 32 ~~2. a. Information relating to the~~ The contents of the
13 33 examination.

13 34 ~~3. b. Information relating to the~~ The examination results
13 35 other than final score except for information about the



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14 1 results of an examination which is given to the person who
14 2 took the examination.

14 3 3. A member of the board who willfully communicates or
14 4 seeks to communicate such information, and any person who
14 5 willfully requests, obtains, or seeks to obtain such
14 6 information, is guilty of a simple misdemeanor.

14 7 Sec. 16. Section 147.22, Code Supplement 2007, is amended
14 8 to read as follows:

14 9 147.22 OFFICERS.

14 10 Each board shall ~~organize~~ annually ~~and shall~~ select a
14 11 chairperson and a ~~secretary~~ vice chairperson from its own
14 12 membership.

14 13 Sec. 17. Section 147.24, Code Supplement 2007, is amended
14 14 by striking the section and inserting in lieu thereof the
14 15 following:

14 16 147.24 COMPENSATION.

14 17 Members of a board shall receive actual expenses for their
14 18 duties as a member of the board. Each member of each board
14 19 shall also be eligible to receive compensation as provided in
14 20 section 7E.6, within the limits of funds available.

14 21 Sec. 18. Section 147.25, Code Supplement 2007, is amended
14 22 by striking the section and inserting in lieu thereof the
14 23 following:

14 24 147.25 SYSTEM OF HEALTH PERSONNEL STATISTICS == FEE.

14 25 1. A board may establish a system to collect, maintain,
14 26 and disseminate health personnel statistical data regarding
14 27 board licensees, including but not limited to number of
14 28 licensees, employment status, location of practice or place of
14 29 employment, areas of professional specialization and ages of
14 30 licensees, and other pertinent information bearing on the
14 31 availability of trained and licensed personnel to provide
14 32 services in this state.

14 33 2. In addition to any other fee provided by law, a fee may
14 34 be set by the respective boards for each license and renewal
14 35 of a license to practice a profession, which fee shall be



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15 1 based on the annual cost of collecting information for use by
15 2 the board in the administration of the system of health
15 3 personnel statistics established by this section. The fee
15 4 shall be retained by the respective board in the manner in
15 5 which license and renewal fees are retained in section 147.82.

15 6 Sec. 19. Section 147.28, Code Supplement 2007, is amended
15 7 to read as follows:

15 8 147.28 NATIONAL ORGANIZATION.

15 9 Each board may maintain a membership in the national
15 10 organization of the regulatory boards of its profession to be
15 11 paid from board funds ~~appropriated to the board~~.

15 12 Sec. 20. Section 147.33, Code Supplement 2007, is amended
15 13 by striking the section and inserting in lieu thereof the
15 14 following:

15 15 147.33 PROFESSIONAL SCHOOLS.

15 16 A dean of a college or university which provides
15 17 instruction or training in a profession shall supply
15 18 information or data related to the college or university upon
15 19 request of a board.

15 20 Sec. 21. Section 147.34, Code Supplement 2007, is amended
15 21 to read as follows:

15 22 147.34 EXAMINATIONS.

15 23 ~~Examinations for each profession licensed under this~~
~~15 24 subtitle shall be conducted at least one time per year at such~~
~~15 25 time as the department may fix in cooperation with each board.~~
~~15 26 Examinations may be given at the state university of Iowa at~~
~~15 27 the close of each school year for professions regulated by~~
~~15 28 this subtitle and examinations may be given at other schools~~
~~15 29 located in the state at which any of the professions regulated~~
~~15 30 by this subtitle are taught. At least one session of each~~
~~15 31 board shall be held annually at the seat of government and the~~
~~15 32 locations of other sessions shall be determined by the board,~~
~~15 33 unless otherwise ordered by the department.~~

15 34 1. Each board shall by rule prescribe the examination or
15 35 examinations required for licensure for the profession and the



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16 1 manner in which an applicant shall complete the examination
16 2 process. A board may develop and administer the examination,
16 3 may designate a national, uniform, or other examination as the
16 4 prescribed examination, or may contract for such services.
16 5 Dentists shall pass an examination approved by a majority of
16 6 the dentist members of the dental board.

16 7 2. When a board administers an examination, the board
16 8 shall provide adequate public notice of the time and place of
16 9 the examination to allow candidates to comply with the
16 10 provisions of this subtitle. Administration of examinations,
16 11 including location, frequency, and reexamination, may be
16 12 determined by the board.

16 13 3. Applicants who fail to pass the examination once shall
16 14 be allowed to take the examination at the next scheduled
16 15 authorized time. Thereafter, applicants shall be allowed to
16 16 take the examination at the discretion of the board.
16 17 ~~Examinations may be given by a board which are prepared and~~
16 18 ~~scored by persons outside the state, and boards may contract~~
16 19 ~~for such services. A board may make an agreement with boards~~
16 20 ~~in other states for administering a uniform examination. An~~
16 21 applicant who has failed an examination may request in writing
16 22 information from the board concerning the examination grade
16 23 and subject areas or questions which the applicant failed to
16 24 answer correctly, except that if the board administers
16 25 prescribes a national or uniform, standardized examination,
16 26 the board shall only be required to provide the examination
16 27 grade and such other information concerning the applicant's
16 28 examination results which are available to the board.

16 29 Sec. 22. Section 147.36, Code Supplement 2007, is amended
16 30 to read as follows:

16 31 147.36 RULES.

16 32 Each board shall may establish rules for any of the
16 33 following:

16 34 1. The qualifications required for applicants seeking to
16 35 take examinations.



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17 1 2. The denial of applicants seeking to take examinations.

17 2 3. The conducting of examinations.

17 3 4. The grading of examinations and passing upon the
17 4 technical qualifications of applicants, as shown by such
17 5 examinations.

17 6 5. The minimum scores required for passing standardized
17 7 examinations.

17 8 Sec. 23. Section 147.37, Code Supplement 2007, is amended
17 9 to read as follows:

17 10 147.37 IDENTITY OF CANDIDATE CONCEALED.

17 11 ~~All examinations in theory shall be in writing, and the~~
~~17 12 identity of the person taking the same shall not be disclosed~~
~~17 13 upon the examination papers in such a way as to enable the~~
~~17 14 members of the board to know by whom written until after the~~
~~17 15 papers have been passed upon. In examinations~~ The identity of
17 16 the person taking an examination shall not be disclosed during
17 17 the examination process and in practice the identity of the
17 18 candidate shall ~~also~~ be concealed ~~as far as to the extent~~
17 19 possible.

17 20 Sec. 24. Section 147.44, Code Supplement 2007, is amended
17 21 by striking the section and inserting in lieu thereof the
17 22 following:

17 23 147.44 AGREEMENTS.

17 24 A board may enter into a reciprocal agreement with a
17 25 licensing authority of another state for the purpose of
17 26 recognizing licenses issued by the other state, provided that
17 27 such licensing authority imposes licensure requirements
17 28 substantially equivalent to those imposed in this state. The
17 29 board may establish by rule the conditions for the recognition
17 30 of such licenses and the process for licensing such
17 31 individuals to practice in this state.

17 32 Sec. 25. Section 147.48, Code Supplement 2007, is amended
17 33 to read as follows:

17 34 147.48 TERMINATION OF AGREEMENTS.

17 35 If the requirements for a license in any state with which



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18 1 this state has a reciprocal agreement are changed by any law
18 2 or rule of the authorities in that state so that such
18 3 requirements are no longer substantially ~~as high as~~ equivalent
18 4 to those existing in this state, the agreement shall be deemed
18 5 terminated and licenses issued in that state shall not be
18 6 recognized as a basis of granting a license in this state
18 7 until a new agreement has been negotiated. ~~The fact of such~~
~~18 8 change shall be determined by the appropriate board and~~
~~18 9 certified to the department for its guidance in enforcing the~~
~~18 10 provisions of this section.~~

18 11 Sec. 26. Section 147.49, Code Supplement 2007, is amended
18 12 to read as follows:

18 13 147.49 LICENSE OF ANOTHER STATE.

18 14 ~~The department~~ A board shall, upon presentation of a
18 15 license to practice a profession issued by the duly
18 16 constituted authority of another state with which this state
18 17 has established reciprocal relations, and subject to the rules
18 18 of the board for such profession, license the applicant to
18 19 practice in this state, unless under the rules of the board a
18 20 practical or jurisprudence examination is required. ~~The~~
~~18 21 department may, upon the recommendation of the~~ The board of
18 22 medicine, may accept in lieu of the examination prescribed in
18 23 section 148.3 ~~or section 150A.3~~ a license to practice medicine
18 24 and surgery or osteopathic medicine and surgery, issued by the
18 25 duly constituted authority of another state, territory, or
18 26 foreign country. Endorsement may be accepted ~~by the~~
~~18 27 department~~ in lieu of further written examination without
18 28 regard to the existence or nonexistence of a reciprocal
18 29 agreement, but shall not be in lieu of the standards and
18 30 qualifications prescribed by section 148.3 ~~or section 150A.3.~~

18 31 Sec. 27. Section 147.53, Code Supplement 2007, is amended
18 32 to read as follows:

18 33 147.53 POWER TO ADOPT RULES.

18 34 ~~The department and each~~ Each board entering into a
18 35 reciprocal agreement shall adopt necessary rules, not



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19 1 inconsistent with law, for carrying out the reciprocal
19 2 relations with other states which are authorized by this
19 3 chapter.
19 4 Sec. 28. Section 147.55, Code 2007, is amended to read as
19 5 follows:
19 6 147.55 GROUNDS.
19 7 A license to practice a profession shall be revoked, ~~or~~
19 8 suspended, or otherwise disciplined when the licensee is
19 9 guilty of any of the following acts or offenses:
19 10 1. Fraud in procuring a license.
19 11 2. Professional ~~incompetency~~ incompetence.
19 12 3. Knowingly making misleading, deceptive, untrue, or
19 13 fraudulent representations in the practice of a profession or
19 14 engaging in unethical conduct or practice harmful or
19 15 detrimental to the public. Proof of actual injury need not be
19 16 established.
19 17 4. Habitual intoxication or addiction to the use of drugs.
19 18 5. Conviction of a ~~felony~~ crime related to the profession
19 19 or occupation of the licensee or the conviction of any ~~felony~~
19 20 crime that would affect the licensee's ability to practice
19 21 within a profession. A copy of the record of conviction or
19 22 plea of guilty shall be conclusive evidence.
19 23 6. Fraud in representations as to skill or ability.
19 24 7. Use of untruthful or improbable statements in
19 25 advertisements.
19 26 8. Willful or repeated violations of the provisions of
19 27 this Act chapter, chapter 272C, or a board's enabling statute.
19 28 9. Other acts or offenses as specified by board rule.
19 29 Sec. 29. Section 147.57, Code 2007, is amended to read as
19 30 follows:
19 31 147.57 DENTAL HYGIENIST AND DENTIST.
19 32 The practice of dentistry by a dental hygienist shall also
19 33 be grounds for ~~the revocation~~ discipline of the dental
19 34 ~~hygienist's license hygienist,~~ and the permitting of such
19 35 practice by the dentist under whose supervision ~~said~~ the



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20 1 dental hygienist is operating shall be grounds for ~~revoking~~
~~20 2 the license~~ disciplining of ~~said the~~ dentist.
20 3 Sec. 30. Section 147.73, Code 2007, is amended to read as
20 4 follows:
20 5 147.73 TITLES USED BY HOLDER OF DEGREE.
20 6 Nothing in section 147.72 shall be construed:
20 7 1. As authorizing any person licensed to practice a
20 8 profession under this subtitle to use or assume any degree or
20 9 abbreviation of the ~~same degree~~ unless such degree has been
20 10 conferred upon ~~said the~~ person by an institution of learning
20 11 accredited by the appropriate board ~~herein created, together~~
~~20 12 with the director of public health, or by some recognized~~
20 13 state or national accredited agency.
20 14 2. As prohibiting any holder of a degree conferred by an
20 15 institution of learning accredited by the appropriate board
20 16 ~~herein created in this chapter, together with the director of~~
~~20 17 public health, or by some recognized state or national~~
20 18 accrediting agency, from using the title which such degree
20 19 authorizes the holder to use, but the holder shall not use
20 20 such degree or abbreviation in any manner which might mislead
20 21 the public as to the holder's qualifications to treat human
20 22 ailments.
20 23 Sec. 31. Section 147.74, Code Supplement 2007, is amended
20 24 to read as follows:
20 25 147.74 PROFESSIONAL TITLES OR ABBREVIATIONS == FALSE USE
20 26 PROHIBITED.
20 27 1. Any person who falsely claims by the use of any
20 28 professional title or abbreviation, either in writing, cards,
20 29 signs, circulars, ~~or~~ advertisements, the internet, or other
20 30 written or electronic means, to be a practitioner of a ~~system~~
~~20 31 of the healing arts profession other than the one under which~~
20 32 the person holds a license or who fails to use the ~~following~~
20 33 designations provided in this section shall be guilty of a
20 34 simple misdemeanor.
20 35 2. A physician or surgeon may use the prefix "Dr." or



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21 1 "Doctor", and shall add after the person's name the letters,
21 2 "M. D."

21 3 3. An osteopath or osteopathic physician and surgeon may
21 4 use the prefix "Dr." or "Doctor", and shall add after the
21 5 person's name the letters, "D. O.", or the words ~~"osteopath"~~
~~21 6 or "osteopathic physician and surgeon"~~.

21 7 4. A chiropractor may use the prefix "Dr." or "Doctor",
21 8 but shall add after the person's name the letters, "D. C." or
21 9 the word, "chiropractor".

21 10 5. A dentist may use the prefix "Doctor", but shall add
21 11 after the person's name the letters "D. D. S.", or "D. M. D.",
21 12 or the word "dentist" or "dental surgeon". A dental hygienist
21 13 may use the words "registered dental hygienist" or the letters
21 14 "R. D. H." after the person's name. A dental assistant may
21 15 use the words "registered dental assistant" or the letters "R.
21 16 D. A." after the person's name.

21 17 6. A podiatric physician may use the prefix "Dr." or
21 18 "Doctor", but shall add after the person's name the words
21 19 "podiatric physician".

21 20 7. A graduate of a school accredited by the board of
21 21 optometry may use the prefix "Dr." or "Doctor", but shall add
21 22 after the person's name the letters "O. D."

21 23 8. A physical therapist registered or licensed under
21 24 chapter 148A may use the words "physical therapist" after the
21 25 person's name or signify the same by the use of the letters
21 26 "P. T." after the person's name. A physical therapist with an
21 27 earned doctoral degree from an accredited school, college, or
21 28 university may use the suffix designating the degree, or the
21 29 prefix "Doctor" or "Dr." and add after the person's name the
21 30 words "physical therapist". An occupational therapist
21 31 registered or licensed under chapter 148B may use the words
21 32 "occupational therapist" after the person's name or signify
21 33 the same by the use of the letters "O. T." after the person's
21 34 name. An occupational therapist with an earned doctoral
21 35 degree from an accredited school, college, or university may



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22 1 use the suffix designating the degree, or the prefix "Doctor"

22 2 or "Dr." and add after the person's name the words

22 3 "occupational therapist".

22 4 9. A physical therapist assistant licensed under chapter

22 5 148A may use the words "physical therapist assistant" after

22 6 the person's name or signify the same by use of the letters

22 7 "P. T. A." after the person's name. An occupational therapy

22 8 assistant licensed under chapter 148B may use the words

22 9 "occupational therapy assistant" after the person's name or

22 10 signify the same by use of the letters "O. T. A." after the

22 11 person's name.

22 12 10. A psychologist who possesses a doctoral degree ~~and who~~

22 13 ~~claims to be a certified practicing psychologist~~ may use the

22 14 prefix "Dr." or "Doctor" but shall add after the person's name

22 15 the word "psychologist".

22 16 11. A speech pathologist with an earned doctoral degree in

22 17 speech pathology obtained beyond a bachelor's degree from an

22 18 accredited school, college, or university, may use the suffix

22 19 designating the degree, or the prefix "Doctor" or "Dr." and

22 20 add after the person's name the words "speech pathologist".

22 21 An audiologist with an earned doctoral degree in audiology

22 22 obtained beyond a bachelor's degree from an accredited school,

22 23 college, or university, may use the suffix designating the

22 24 degree, or the prefix "Doctor" or "Dr." and add after the

22 25 person's name the word "audiologist".

22 26 12. A bachelor social worker licensed under chapter 154C

22 27 may use the words "licensed bachelor social worker" or the

22 28 letters "L. B. S. W." after the person's name. A master

22 29 social worker licensed under chapter 154C may use the words

22 30 "licensed master social worker" or the letters "L. M. S. W."

22 31 after the person's name. An independent social worker

22 32 licensed under chapter 154C may use the words "licensed

22 33 independent social worker", or the letters "L. I. S. W."

22 34 after the person's name.

22 35 13. A marital and family therapist licensed under chapter



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23 1 154D and this chapter may use the words "licensed marital and
23 2 family therapist" after the person's name or signify the same
23 3 by the use of the letters "L. M. F. T." after the person's
23 4 name. A marital and family therapist licensed under chapter
23 5 154D and this chapter who possesses a doctoral degree may use
23 6 the prefix "Doctor" or "Dr." in conjunction with the person's
23 7 name, but shall add after the person's name the words
23 8 "licensed marital and family therapist".
23 9 14. A mental health counselor licensed under chapter 154D
23 10 and this chapter may use the words "licensed mental health
23 11 counselor" after the person's name. A mental health counselor
23 12 licensed under chapter 154D and this chapter who possesses a
23 13 doctoral degree may use the prefix "Doctor" or "Dr." in
23 14 conjunction with the person's name, but shall add after the
23 15 person's name the words "licensed mental health counselor".
23 16 15. A pharmacist who possesses a doctoral degree
23 17 recognized by the ~~American council of pharmaceutical education~~
23 18 accreditation council for pharmacy education from a college of
23 19 pharmacy approved by the board of pharmacy or a doctor of
23 20 philosophy degree in an area related to pharmacy may use the
23 21 prefix "Doctor" or "Dr." but shall add after the person's name
23 22 the word "pharmacist" or "Pharm. D."
23 23 16. A physician assistant licensed under chapter 148C may
23 24 use the words "physician assistant" after the person's name or
23 25 signify the same by the use of the letters "P. A." after the
23 26 person's name.
23 27 17. A massage therapist licensed under chapter 152C may
23 28 use the words "licensed massage therapist" or the initials "L.
23 29 M. T." after the person's name.
23 30 18. An acupuncturist licensed under chapter 148E may use
23 31 the words "licensed acupuncturist" or the abbreviation "L.
23 32 Ac." after the person's name.
23 33 19. A respiratory care practitioner licensed under chapter
23 34 152B and this chapter may use the title "respiratory care
23 35 practitioner" or the letters "R. C. P." after the person's



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24 1 name.

24 2 20. An athletic trainer licensed under chapter 152D and
24 3 this chapter may use the words "licensed athletic trainer" or
24 4 the letters "LAT" after the person's name.

24 5 21. A registered nurse licensed under chapter 152 may use
24 6 the words "registered nurse" or the letters "R. N." after the
24 7 person's name. A licensed practical nurse licensed under
24 8 chapter 152 may use the words "licensed practical nurse" or
24 9 the letters "L. P. N." after the person's name.

24 10 22. A sign language interpreter or transliterator licensed
24 11 under chapter 154E and this chapter may use the title
24 12 "licensed sign language interpreter" or the letters "L. I."
24 13 after the person's name.

24 14 23. No other practitioner licensed to practice a
24 15 profession under any of the provisions of this subtitle shall
24 16 be entitled to use the prefix "Dr." or "Doctor" unless the
24 17 licensed practitioner possesses an earned doctoral degree.

24 18 Such a practitioner shall reference the degree held after the
24 19 person's name.

24 20 Sec. 32. Section 147.76, Code Supplement 2007, is amended
24 21 to read as follows:

24 22 147.76 RULES.

24 23 The boards for the various professions shall adopt all
24 24 necessary and proper rules to administer and interpret this
24 25 chapter and chapters ~~147A~~ 148 through 158, except chapter
24 26 148D.

24 27 Sec. 33. Section 147.80, Code Supplement 2007, is amended
24 28 by striking the section and inserting in lieu thereof the
24 29 following:

24 30 147.80 ESTABLISHMENT OF FEES == ADMINISTRATIVE COSTS.

24 31 1. Each board may by rule establish fees for the following
24 32 based on the costs of sustaining the board and the actual
24 33 costs of the service:

24 34 a. Examinations.

24 35 b. Licensure, certification, or registration.



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25 1 c. Renewal of licensure, certification, or registration.
25 2 d. Renewal of licensure, certification, or registration
25 3 during the grace period.
25 4 e. Reinstatement or reactivation of licensure,
25 5 certification, or registration.
25 6 f. Issuance of a certified statement that a licensee is
25 7 licensed in this state.
25 8 g. Issuance of a duplicate license, which shall be so
25 9 designated on its face. A board may require satisfactory
25 10 proof the original license issued by the board has been lost
25 11 or destroyed.
25 12 h. Issuance of a renewal card.
25 13 i. Verification of licensure.
25 14 j. Returned checks.
25 15 k. Inspections.
25 16 2. Each board shall annually prepare estimates of
25 17 projected revenues to be generated by the fees received by the
25 18 board as well as a projection of the fairly apportioned
25 19 administrative costs and rental expenses attributable to the
25 20 board. Each board shall annually review and adjust its
25 21 schedule of fees to cover projected expenses.
25 22 3. The board of medicine, the board of pharmacy, the
25 23 dental board, and the board of nursing shall retain individual
25 24 executive officers, but shall make every effort to share
25 25 administrative, clerical, and investigative staff to the
25 26 greatest extent possible.
25 27 Sec. 34. Section 147.82, Code Supplement 2007, is amended
25 28 to read as follows:
25 29 147.82 ~~FEES~~ FEE RETENTION.
25 30 All fees collected by a board listed in section ~~147.80~~
25 31 147.13 or by the department for the bureau of professional
25 32 licensure, and fees collected pursuant to sections 124.301 and
25 33 147.80 and chapter 155A by the board of pharmacy, shall be
25 34 retained by each board or by the department for the bureau of
25 35 professional licensure. The moneys retained by a board shall



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26 1 be used for any of the board's duties, including but not
26 2 limited to the addition of full-time equivalent positions for
26 3 program services and investigations. Revenues retained by a
26 4 board pursuant to this section shall be considered repayment
26 5 receipts as defined in section 8.2. Notwithstanding section
26 6 8.33, moneys retained by a board pursuant to this section are
26 7 not subject to reversion to the general fund of the state.

26 8 Sec. 35. Section 147.84, Code 2007, is amended to read as
26 9 follows:

26 10 147.84 FORGERIES.

26 11 Any person who ~~shall file files or attempt attempts~~ to file
26 12 with ~~the department~~ a board any false or forged diploma, ~~or~~
26 13 certificate or affidavit of identification or qualification,
26 14 or other document shall be guilty of a fraudulent practice.

26 15 Sec. 36. Section 147.85, Code 2007, is amended to read as
26 16 follows:

26 17 147.85 FRAUD.

26 18 Any person who ~~shall present presents~~ to ~~the department~~ a
26 19 board a diploma or certificate of which the person is not the
26 20 rightful owner, for the purpose of procuring a license, or who
26 21 ~~shall~~ falsely personate personates anyone to whom a license
26 22 has been issued by ~~said department~~ the board shall be guilty
26 23 of a serious misdemeanor.

26 24 Sec. 37. Section 147.87, Code Supplement 2007, is amended
26 25 to read as follows:

26 26 147.87 ENFORCEMENT.

26 27 ~~The department~~ A board shall enforce the provisions of this
26 28 ~~and the following chapters of this subtitle chapter and its~~
26 29 enabling statute and for that purpose may request the

26 30 department of inspections and appeals to make necessary
26 31 investigations. Every licensee and member of a board shall
26 32 furnish the ~~department~~ board or the department of inspections
26 33 and appeals such evidence as the member or licensee may have
26 34 relative to any alleged violation which is being investigated.

26 35 Sec. 38. Section 147.88, Code Supplement 2007, is amended



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27 1 to read as follows:

27 2 147.88 INSPECTIONS AND INVESTIGATIONS.

27 3 The department of inspections and appeals may perform
27 4 inspections and investigations as required by this subtitle,
27 5 except for the board of medicine, board of pharmacy, board of
27 6 nursing, and the dental board. The department of inspections
27 7 and appeals shall employ personnel related to the inspection
27 8 and investigative functions.

27 9 Sec. 39. Section 147.89, Code Supplement 2007, is amended
27 10 to read as follows:

27 11 147.89 REPORT OF VIOLATORS.

27 12 Every licensee and member of a board shall report, ~~also, to~~
~~27 13 the department to its respective board~~ the name of ~~every any~~
27 14 person, without a the required license, ~~that the member or~~
~~27 15 licensee has reason to believe is engaged in:~~

27 16 ~~1. Practicing any profession for which a license is~~
~~27 17 required.~~

27 18 ~~2. Operating as an itinerant practitioner of such~~
~~27 19 profession if the licensee or member of the board has reason~~
27 20 to believe the person is practicing the profession without a
27 21 license.

27 22 Sec. 40. Section 147.91, Code Supplement 2007, is amended
27 23 by striking the section and inserting in lieu thereof the
27 24 following:

27 25 147.91 PUBLICATIONS.

27 26 Each board shall provide access to the laws and rules
27 27 regulating the board to the public upon request and shall make
27 28 this information available through the internet.

27 29 Sec. 41. Section 147.92, Code 2007, is amended to read as
27 30 follows:

27 31 147.92 ATTORNEY GENERAL.

27 32 Upon request of ~~the department~~ a board the attorney general
27 33 shall institute in the name of the state the proper
27 34 proceedings against any person charged by the department board
27 35 with violating any provision of this or the following chapters



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28 1 of this subtitle.

28 2 Sec. 42. Section 147.93, Code 2007, is amended to read as
28 3 follows:

28 4 147.93 PRIMA FACIE EVIDENCE.

28 5 The opening of an office or place of business for the
28 6 practice of any profession for which a license is required by
28 7 this subtitle, the announcing to the public in any way the
28 8 intention to practice any such profession, the use of any
28 9 professional degree or designation, or of any sign, card,
28 10 circular, device, internet web site, or advertisement, as a
28 11 practitioner of any such profession, or as a person skilled in
28 12 the same, shall be prima facie evidence of engaging in the
28 13 practice of such profession.

28 14 Sec. 43. Section 147.107, subsections 2 and 3, Code
28 15 Supplement 2007, are amended to read as follows:

28 16 2. a. A pharmacist, physician, dentist, or podiatric
28 17 physician who dispenses prescription drugs, including but not
28 18 limited to controlled substances, for human use, may delegate
28 19 nonjudgmental dispensing functions to staff assistants only
28 20 when verification of the accuracy and completeness of the
28 21 prescription dispensing is determined by the pharmacist or
28 22 practitioner in the pharmacist's or practitioner's physical
28 23 presence. However, the physical presence requirement does not
28 24 apply when a pharmacist or practitioner is utilizing an
28 25 automated dispensing system. When using an automated
28 26 dispensing system the pharmacist or practitioner shall utilize
28 27 an internal quality control assurance plan that ensures
28 28 accuracy for dispensing. Verification of automated dispensing
28 29 accuracy and completeness remains the responsibility of the
28 30 pharmacist or practitioner and shall be determined in
28 31 accordance with rules adopted by the board of pharmacy, the
28 32 board of medicine, the dental board, and the board of podiatry
28 33 for their respective licensees.

28 34 b. A dentist, physician, or podiatric physician who
28 35 dispenses prescription drugs, other than drug samples,



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29 1 pursuant to this subsection, shall ~~register~~ report the fact
29 2 that they dispense prescription drugs with the practitioner's
29 3 respective board at least biennially.

29 4 c. A physician, dentist, or podiatric physician who
29 5 dispenses prescription drugs, other than drug samples,
29 6 pursuant to this subsection, shall offer to provide the
29 7 patient with a written prescription that may be dispensed from
29 8 a pharmacy of the patient's choice or offer to transmit the
29 9 prescription orally, electronically, or by facsimile in
29 10 accordance with section 155A.27 to a pharmacy of the patient's
29 11 choice.

29 12 3. A ~~physician's~~ physician assistant or registered nurse
29 13 may supply when pharmacist services are not reasonably
29 14 available or when it is in the best interests of the patient,
29 15 on the direct order of the supervising physician, a quantity
29 16 of properly packaged and labeled prescription drugs,
29 17 controlled substances, or contraceptive devices necessary to
29 18 complete a course of therapy. However, a remote clinic,
29 19 staffed by a physician's assistant or registered nurse, where
29 20 pharmacy services are not reasonably available, shall secure
29 21 the regular advice and consultation of a pharmacist regarding
29 22 the distribution, storage, and appropriate use of such drugs,
29 23 substances, and devices.

29 24 Sec. 44. Section 148.1, Code 2007, is amended to read as
29 25 follows:

29 26 148.1 PERSONS ENGAGED IN PRACTICE.

29 27 For the purpose of this subtitle the following classes of
29 28 persons shall be deemed to be engaged in the practice of
29 29 medicine and surgery or osteopathic medicine and surgery:

29 30 1. Persons who publicly profess to be physicians ~~or~~ and
29 31 surgeons, osteopathic physicians and surgeons, or who publicly
29 32 profess to assume the duties incident to the practice of
29 33 medicine ~~or~~ and surgery or osteopathic medicine and surgery.

29 34 2. Persons who prescribe, or prescribe and furnish,
29 35 medicine for human ailments or treat the same by surgery.



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30 1 3. Persons who act as representatives of any person in
30 2 doing any of the things mentioned in this section.

30 3 Sec. 45. Section 148.2, Code Supplement 2007, is amended
30 4 to read as follows:

30 5 148.2 PERSONS NOT ~~REQUIRED TO QUALIFY~~ ENGAGED IN PRACTICE.

30 6 Section 148.1 shall not be construed to include the
30 7 following classes of persons:

30 8 1. Persons who advertise or sell patent or proprietary
30 9 medicines.

30 10 2. Persons who advertise, sell, or prescribe natural
30 11 mineral waters flowing from wells or springs.

30 12 3. Students of medicine ~~or~~ and surgery or osteopathic
30 13 medicine and surgery who have completed at least two years'
30 14 study in a medical school or a college of osteopathic medicine
30 15 and surgery, approved by the board, and who prescribe medicine
30 16 under the supervision of a licensed physician and surgeon or
30 17 licensed osteopathic physician and surgeon, or who render
30 18 gratuitous service to persons in case of emergency.

30 19 4. Licensed podiatric physicians, ~~osteopaths, osteopathic~~
~~30 20 physicians and surgeons~~, chiropractors, physical therapists,
30 21 nurses, dentists, optometrists, and pharmacists who are
30 22 exclusively engaged in the practice of their respective
30 23 professions.

30 24 5. Physicians and surgeons or osteopathic physicians and
30 25 surgeons of the United States army, navy, air force, marines,
30 26 public health service, or other uniformed service when acting
30 27 in the line of duty in this state, and holding a current,
30 28 active permanent license in good standing in another state,
30 29 district, or territory of the United States, or physicians and
30 30 surgeons or osteopathic physicians and surgeons licensed in
30 31 another state, when incidentally called into this state in
30 32 consultation with a physician and surgeon or osteopathic
30 33 physician and surgeon licensed in this state.

~~30 34 6. A graduate of a medical school who is continuing~~
~~30 35 training and performing the duties of an intern, or who is~~



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~~31 1 engaged in postgraduate training deemed the equivalent of an~~
~~31 2 internship in a hospital approved for training by the board.~~
31 3 Sec. 46. Section 148.2A, Code Supplement 2007, is amended
31 4 to read as follows:
31 5 148.2A BOARD OF MEDICINE.
31 6 1. As used in this chapter, "board" means the board of
31 7 medicine established in chapter 147.
31 8 2. Notwithstanding sections 17A.11, 69.16, 69.16A, 147.12,
31 9 147.14, and 147.19, the board may have a pool of up to ten
31 10 alternate members, including members licensed to practice
31 11 under this chapter and members not licensed to practice under
31 12 this chapter, to substitute for board members who are
31 13 disqualified or become unavailable for any other reason for
31 14 contested case hearings.
31 15 a. The board may recommend, subject to approval by the
31 16 governor, up to ten people to serve in a pool of alternate
31 17 members.
31 18 b. A person serves in the pool of alternate members at the
31 19 discretion of the board; however, the length of time an
31 20 alternate member may serve in the pool shall not exceed nine
31 21 years. A person who serves as an alternate member may later
31 22 be appointed to the board and may serve nine years, in
31 23 accordance with sections 147.12 and 147.19. A former board
31 24 member may serve in the pool of alternate members.
31 25 c. An alternate member licensed under this chapter shall
31 26 hold an active license and shall have been actively engaged in
31 27 the practice of medicine and surgery or osteopathic medicine
31 28 and surgery in the preceding three years, with the two most
31 29 recent years of practice being in Iowa.
31 30 d. When a sufficient number of board members are
31 31 unavailable to hear a contested case, the board may request
31 32 alternate members to serve.
31 33 e. Notwithstanding section 17A.11, section 147.14,
31 34 subsection 2, and section 272C.6, subsection 5:
31 35 (1) An alternate member is deemed a member of the board



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32 1 only for the hearing panel for which the alternate member
32 2 serves.

32 3 (2) A hearing panel containing alternate members must
32 4 include at least six people.

32 5 (3) The majority of a hearing panel containing alternate
32 6 members shall be members of the board.

32 7 (4) The majority of a hearing panel containing alternate
32 8 members shall be members licensed to practice under this
32 9 chapter.

32 10 (5) A decision of a hearing panel containing alternate
32 11 members is considered a final decision of the board.

32 12 f. An alternate member shall not receive compensation in
32 13 excess of that authorized by law for a board member.

32 14 Sec. 47. NEW SECTION. 148.2B EXECUTIVE DIRECTOR.

32 15 The salary of the executive director of the board shall be
32 16 established by the governor with approval of the executive
32 17 council pursuant to section 8A.413, subsection 2, under the
32 18 pay plan for exempt positions in the executive branch of
32 19 government.

32 20 Sec. 48. Section 148.3, Code Supplement 2007, is amended
32 21 to read as follows:

32 22 148.3 ~~REQUIREMENTS FOR LICENSE TO PRACTICE.~~

32 23 1. An applicant for a license to practice medicine and
32 24 surgery or osteopathic medicine and surgery shall present to
32 25 the board all of the following:

32 26 ~~1. a. Present a~~ A diploma issued by a medical college or
32 27 college of osteopathic medicine and surgery approved by the
32 28 board, or present other evidence of equivalent medical
32 29 education approved by the board. The board may accept, in
32 30 lieu of a diploma from a medical college approved by ~~them~~ the
32 31 board, all of the following:

32 32 ~~a.~~ (1) A diploma issued by a medical college or college
32 33 of osteopathic medicine and surgery which has been neither
32 34 approved nor disapproved by the board.

32 35 ~~b.~~ (2) A valid standard certificate issued by the



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33 1 educational commission for foreign medical graduates or
33 2 similar accrediting agency.
33 3 ~~2. b. Pass~~ Evidence of having passed an examination
33 4 prescribed by the board which shall include subjects which
33 5 determine the applicant's qualifications to practice medicine
33 6 and surgery or osteopathic medicine and surgery and which
33 7 shall be given according to the methods deemed by the board to
33 8 be the most appropriate and practicable. However, the
33 9 ~~federation licensing examination~~ United States medical
33 10 licensure examination (USMLE), the comprehensive osteopathic
33 11 medical licensing examination (COMLEX=USA), or any other
33 12 national standardized examination which the board approves may
33 13 be administered to any or all applicants in lieu of or in
33 14 conjunction with other examinations which the board
33 15 prescribes. The board may establish necessary achievement
33 16 levels on all examinations for a passing grade and adopt rules
33 17 relating to examinations.
33 18 ~~3. c. Present to the board satisfactory~~ Satisfactory
33 19 evidence that the applicant has successfully completed one
33 20 year of postgraduate internship or resident training in a
33 21 hospital approved for such training by the board. Beginning
33 22 ~~July 1, 2006, an~~ An applicant who holds a valid certificate
33 23 issued by the educational commission for foreign medical
33 24 graduates shall submit satisfactory evidence of successful
33 25 completion of two years of such training.
33 26 2. An application for a license shall be made to the board
33 27 of medicine. All license and renewal fees shall be paid to
33 28 and collected by the board and transmitted to the board.
33 29 3. The board shall give priority to the processing of
33 30 applications for licensure submitted by physicians and
33 31 surgeons and osteopathic physicians and surgeons whose
33 32 practice will primarily involve provision of service to
33 33 underserved populations, including but not limited to
33 34 minorities or low-income persons, or who live in rural areas.
33 35 4. The issuance of reciprocal agreements pursuant to



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34 1 section 147.44 is not required and is subject to the
34 2 discretion of the board.
34 3 Sec. 49. Section 148.5, Code Supplement 2007, is amended
34 4 to read as follows:
34 5 148.5 RESIDENT PHYSICIAN LICENSE.
34 6 A physician, who is a graduate of a medical school or
34 7 college of osteopathic medicine and surgery and is serving as
34 8 a resident physician who is not otherwise licensed to practice
34 9 medicine and surgery or osteopathic medicine and surgery in
34 10 this state, shall be required to obtain from the board a
34 11 license to practice as a resident physician. The license
34 12 shall be designated "Resident Physician License" and shall
34 13 authorize the licensee to serve as a resident physician only,
34 14 under the supervision of a licensed practitioner of medicine
34 15 and surgery or osteopathic medicine and surgery, in an
34 16 institution approved for such training by the board. A
34 17 license shall be valid for a duration as determined by the
34 18 board. The fee for each license shall be set by the board to
34 19 cover the administrative costs of issuing the license. The
34 20 board shall determine in each instance those eligible for a
34 21 license, whether or not examinations shall be given, and the
34 22 type of examinations. Requirements of the law pertaining to
34 23 regular permanent licensure shall not be mandatory for a
34 24 resident physician license except as specifically designated
34 25 by the board. The granting of a resident physician license
34 26 does not in any way indicate that the person licensed is
34 27 necessarily eligible for regular permanent licensure, or that
34 28 the board in any way is obligated to license the individual.
34 29 Sec. 50. Section 148.6, Code Supplement 2007, is amended
34 30 to read as follows:
34 31 148.6 ~~REVOCATION~~ LICENSEE DISCIPLINE == CRIMINAL PENALTY.
34 32 1. The board, after due notice and hearing in accordance
34 33 with chapter 17A, may issue an order to discipline a licensee
34 34 for any of the grounds set forth in section 147.55, chapter
34 35 272C, or this subsection. Notwithstanding section 272C.3,



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35 1 licensee discipline may include a civil penalty not to exceed
35 2 ten thousand dollars.

35 3 2. Pursuant to this section, the board may discipline a
35 4 licensee who is guilty of any of the following acts or
35 5 offenses:

35 6 a. Knowingly making misleading, deceptive, untrue or
35 7 fraudulent representation in the practice of the physician's
35 8 profession.

35 9 b. Being convicted of a felony in the courts of this state
35 10 or another state, territory, or country. Conviction as used
35 11 in this paragraph shall include a conviction of an offense
35 12 which if committed in this state would be deemed a felony
35 13 without regard to its designation elsewhere, or a criminal
35 14 proceeding in which a finding or verdict of guilt is made or
35 15 returned, but the adjudication of guilt is either withheld or
35 16 not entered. A certified copy of the final order or judgment
35 17 of conviction or plea of guilty in this state or in another
35 18 state shall be conclusive evidence.

35 19 c. Violating a statute or law of this state, another
35 20 state, or the United States, without regard to its designation
35 21 as either felony or misdemeanor, which statute or law relates
35 22 to the practice of medicine.

35 23 d. Having the license to practice medicine and surgery, or
35 24 osteopathic medicine and surgery, ~~or osteopathy~~ revoked or
35 25 suspended, or having other disciplinary action taken by a
35 26 licensing authority of another state, territory, or country.
35 27 A certified copy of the record or order of suspension,
35 28 revocation, or disciplinary action is prima facie evidence.

35 29 e. Knowingly aiding, assisting, procuring, or advising a
35 30 person to unlawfully practice medicine and surgery, or
35 31 osteopathic medicine and surgery, ~~or osteopathy~~.

35 32 f. Being adjudged mentally incompetent by a court of
35 33 competent jurisdiction. Such adjudication shall automatically
35 34 suspend a license for the duration of the license unless the
35 35 board orders otherwise.



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36 1 g. Being guilty of a willful or repeated departure from,
36 2 or the failure to conform to, the minimal standard of
36 3 acceptable and prevailing practice of medicine and surgery, or
36 4 osteopathic medicine and surgery, ~~or osteopathy~~ in which
36 5 proceeding actual injury to a patient need not be established;
36 6 or the committing by a physician of an act contrary to
36 7 honesty, justice, or good morals, whether the same is
36 8 committed in the course of the physician's practice or
36 9 otherwise, and whether committed within or without this state.
36 10 h. Inability to practice medicine and surgery, or
36 11 osteopathic medicine and surgery, ~~or osteopathy~~ with
36 12 reasonable skill and safety by reason of illness, drunkenness,
36 13 excessive use of drugs, narcotics, chemicals, or other type of
36 14 material or as a result of a mental or physical condition.
36 15 The board may, upon probable cause, compel a physician to
36 16 submit to a mental or physical examination by designated
36 17 physicians or to submit to alcohol or drug screening within a
36 18 time specified by the board. A person licensed to practice
36 19 medicine and surgery, or osteopathic medicine and surgery, ~~or~~
~~36 20 osteopathy~~ who makes application for the renewal of a license,
36 21 as required by section 147.10, gives consent to submit to a
36 22 mental or physical examination as provided by this lettered
36 23 paragraph when directed in writing by the board. All
36 24 objections shall be waived as to the admissibility of the
36 25 examining physicians' testimony or examination reports on the
36 26 grounds that they constitute privileged communication. The
36 27 medical testimony or examination reports shall not be used
36 28 against a physician in another proceeding and shall be
36 29 confidential, except for other actions filed against a
36 30 physician to revoke or suspend a license. ~~Failure of a~~
~~36 31 physician to submit to an examination or to submit to alcohol~~
~~36 32 or drug screening shall constitute admission to the~~
~~36 33 allegations made against the physician and the finding of fact~~
~~36 34 and decision of the board may be entered without the taking of~~
~~36 35 testimony or presentation of evidence. At reasonable~~



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~~37 1 intervals, a physician shall be afforded an opportunity to
37 2 demonstrate that the physician can resume the competent
37 3 practice of medicine with reasonable skill and safety to
37 4 patients.~~

37 5 i. Willful or repeated violation of lawful rule or
37 6 regulation adopted by the board or violating a lawful order of
37 7 the board, previously entered by the board in a disciplinary
37 8 or licensure hearing, or violating the terms and provisions of
37 9 a consent agreement or informal settlement between a licensee
37 10 and the board.

37 11 3. A person violating the provisions of section 147.2,
37 12 147.84, or 147.85, shall upon conviction be guilty of a class
37 13 "D" felony.

37 14 Sec. 51. Section 148.7, Code Supplement 2007, is amended
37 15 to read as follows:

37 16 148.7 PROCEDURE FOR ~~SUSPENSION OR REVOCATION~~ LICENSEE
37 17 DISCIPLINE.

37 18 A proceeding for the revocation or suspension of a license
37 19 to practice medicine and surgery, or osteopathic medicine and
37 20 surgery, ~~or osteopathy~~ or to discipline a person licensed to
37 21 practice medicine and surgery, or osteopathic medicine and
37 22 surgery, ~~or osteopathy~~ shall be substantially in accord with
37 23 the following procedure:

37 24 1. The board may, upon its own motion or upon ~~verified~~
37 25 receipt of a complaint in writing, and shall, if such
~~37 26 complaint is filed by the director of public health, issue an~~
~~37 27 order fixing the time and place for hearing order an~~
37 28 investigation. A written notice of the time and place of the
37 29 hearing together with a statement of the charges shall be
37 30 served upon the licensee at least ten days before the hearing
37 31 in the manner required for the service of notice of the
37 32 commencement of an ordinary action or by restricted certified
37 33 mail.

37 34 2. ~~If the licensee has left the state, the notice and~~
~~37 35 statement of the charges shall be so served at least twenty~~



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~~38 1 days before the date of the hearing, wherever the licensee may~~
~~38 2 be found. If the whereabouts of the licensee is unknown,~~
38 3 service may be had by publication as provided in the rules of
38 4 civil procedure upon filing the affidavit required by the
38 5 rules. In case the licensee fails to appear, either in person
38 6 or by counsel at the time and place designated in the notice,
38 7 the board shall proceed with the hearing as ~~hereinafter~~
38 8 provided in this section.

38 9 3. a. The hearing shall be before a member or members
38 10 designated by the board or before an administrative law judge
38 11 appointed by the board according to the requirements of
38 12 section 17A.11, subsection 1. The presiding board member or
38 13 administrative law judge may issue subpoenas, administer
38 14 oaths, and take or cause depositions to be taken in connection
38 15 with the hearing. The presiding board member or
38 16 administrative law judge shall issue subpoenas at the request
38 17 and on behalf of the licensee. ~~The hearing shall be open to~~
~~38 18 the public.~~

38 19 b. The administrative law judge shall be an attorney
38 20 vested with full authority of the board to schedule and
38 21 conduct hearings. The administrative law judge shall prepare
38 22 and file with the board the administrative law judge's
38 23 findings of fact and conclusions of law, together with a
38 24 complete written transcript of all testimony and evidence
38 25 introduced at the hearing and all exhibits, pleas, motions,
38 26 objections, and rulings of the administrative law judge.

38 27 4. Disciplinary hearings held pursuant to section 272C.6,
38 28 subsection 1, shall be heard by the board, or by a panel of
38 29 not less than three board members, at least two of whom are
38 30 licensed in the profession, or by a panel of not less than
38 31 three members appointed pursuant to section 148.2A or 272C.6,
38 32 subsection 2. Notwithstanding chapters 17A and 21, a
38 33 disciplinary hearing shall be open to the public at the
38 34 discretion of the licensee.

38 35 ~~4.~~ 5. A stenographic record of the proceedings shall be



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39 1 kept. The licensee shall have the opportunity to appear
39 2 personally and by an attorney, with the right to produce
39 3 evidence ~~in~~ on the licensee's own behalf, to examine and
39 4 cross-examine witnesses, and to examine documentary evidence
39 5 produced against the licensee.
39 6 ~~5.~~ 6. If a person refuses to obey a subpoena issued by
39 7 the presiding member or administrative law judge or to answer
39 8 a proper question during the hearing, the presiding member or
39 9 administrative law judge may invoke the aid of a court of
39 10 competent jurisdiction or judge of this court in requiring the
39 11 attendance and testimony of the person and the production of
39 12 papers. A failure to obey the order of the court may be
39 13 punished by the court as a civil contempt may be punished.
39 14 ~~6.~~ 7. Unless the hearing is before the entire board, a
39 15 transcript of the proceeding, together with exhibits
39 16 presented, shall be considered by the entire board at the
39 17 earliest practicable time. The licensee and the licensee's
39 18 attorney shall have the opportunity to appear personally to
39 19 present the licensee's position and arguments to the board.
39 20 The board shall determine the charge or charges upon the
39 21 merits on the basis of the evidence in the record before it.
39 22 ~~7.~~ 8. If a majority of the members of the board vote in
39 23 favor of finding the licensee guilty of an act or offense
39 24 specified in section 147.55 or 148.6, the board shall prepare
39 25 written findings of fact and its decision imposing one or more
39 26 of the following disciplinary measures:
39 27 a. Suspend the licensee's license to practice the
39 28 profession for a period to be determined by the board.
39 29 b. Revoke the licensee's license to practice the
39 30 profession.
39 31 c. Suspend imposition of judgment and penalty or impose
39 32 the judgment and penalty, but suspend enforcement and place
39 33 the physician on probation. The probation ordered may be
39 34 vacated upon noncompliance. The board may restore and reissue
39 35 a license to practice medicine and surgery ~~7~~ or osteopathic



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40 1 medicine and surgery, ~~or osteopathy~~, but may impose a
40 2 disciplinary or corrective measure which the board might
40 3 originally have imposed. A copy of the board's order,
40 4 findings of fact, and decision, shall be served on the
40 5 licensee in the manner of service of an original notice or by
40 6 certified mail return receipt requested.

40 7 ~~8.~~ 9. Judicial review of the board's action may be sought
40 8 in accordance with the terms of the Iowa administrative
40 9 procedure Act, chapter 17A.

40 10 ~~9.~~ 10. The board's order revoking or suspending a license
40 11 to practice medicine and surgery, or osteopathic medicine and
40 12 surgery, ~~or osteopathy~~ or to discipline a licensee shall
40 13 remain in force and effect until the appeal is finally
40 14 determined and disposed of upon its merit.

40 15 Sec. 52. Section 148.9, Code Supplement 2007, is amended
40 16 to read as follows:

40 17 148.9 REINSTATEMENT.

40 18 Any person whose license has been suspended, ~~revoked, or~~
~~40 19 placed on probation~~ may apply to the board for reinstatement
40 20 at any time and the board may hold ~~hearings~~ a hearing on any
40 21 such petition and may order reinstatement and impose terms and
40 22 conditions thereof and issue a certificate of reinstatement ~~to~~
~~40 23 the director of public health who shall thereupon issue a~~
~~40 24 license as directed by the board.~~

40 25 Sec. 53. Section 148.10, Code Supplement 2007, is amended
40 26 to read as follows:

40 27 148.10 TEMPORARY ~~CERTIFICATE~~ LICENSE.

40 28 1. The board may, in its discretion, issue a temporary
40 29 ~~certificate~~ license authorizing the licensee to practice
40 30 medicine and surgery or osteopathic medicine and surgery in a
40 31 specific location or locations and for a specified period of
40 32 time if, in the opinion of the board, a need exists and the
40 33 person possesses the qualifications prescribed by the board
40 34 for the license, which shall be substantially equivalent to
40 35 those required for licensure under this chapter ~~or chapter~~



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~~41 1 150A, as the case may be.~~ The board shall determine in each
41 2 instance those eligible for ~~this~~ the license, whether or not
41 3 examinations shall be given, and the type of examinations. No
41 4 requirements of the law pertaining to regular permanent
41 5 licensure are mandatory for ~~this~~ the temporary license except
41 6 as specifically designated by the board. The granting of a
41 7 temporary license does not in any way indicate that the person
41 8 so licensed is necessarily eligible for regular licensure or
41 9 that the board in any way is obligated to so license the
41 10 person.

41 11 2. The temporary ~~certificate~~ license shall be issued for a
41 12 period not to exceed one year and may be renewed, but a person
41 13 shall not practice medicine and surgery or osteopathic
41 14 medicine and surgery in excess of three years while holding a
41 15 temporary ~~certificate~~ license. The fee for ~~this~~ the license
41 16 and the fee for renewal of ~~this~~ the license shall be set by
41 17 the board. The fees shall be based on the administrative
41 18 costs of issuing and renewing the licenses.

41 19 Sec. 54. Section 148.11, Code Supplement 2007, is amended
41 20 to read as follows:

41 21 148.11 SPECIAL LICENSE TO PRACTICE MEDICINE AND SURGERY OR
41 22 OSTEOPATHIC MEDICINE AND SURGERY.

41 23 1. Whenever the need exists, the board may issue a special
41 24 license. The special license shall authorize the licensee to
41 25 practice medicine and surgery or osteopathic medicine and
41 26 surgery under the policies and standards applicable to the
41 27 health care services of a medical or osteopathic medical
41 28 school academic staff member or as otherwise specified in the
41 29 special license.

41 30 2. A person applying for a special license shall:

41 31 a. Be a physician in a professional specialty.

41 32 b. Present a diploma issued by a medical or osteopathic
41 33 medical college.

41 34 c. Present evidence of an unrestricted license to practice
41 35 medicine and surgery or osteopathic medicine and surgery which



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42 1 has been issued by a foreign state or territory or an alien
42 2 country.

42 3 d. Present a letter of recommendation from the dean of a
42 4 medical or osteopathic medical school in this state indicating
42 5 that the applicant has been invited to serve on the academic
42 6 staff of the medical or osteopathic medical school.

42 7 e. Present letters of recommendation from universities,
42 8 other educational institutions, or research facilities that
42 9 indicate the noteworthy professional attainment by the
42 10 applicant.

42 11 f. Present biographical background information concerning
42 12 the applicant's education and qualifications.

42 13 3. The board shall establish a fee for initial issuance
42 14 and renewal of a special license shall be established in an
~~42 15 amount sufficient to cover the costs of issuing the special~~
~~42 16 license. If the special license is extended beyond one year,~~
~~42 17 an annual renewal fee shall be established in an amount~~
~~42 18 sufficient to cover the costs of renewing the special license.~~
42 19 The board shall establish rules for granting and renewing a
42 20 special license consistent with those for permanent licenses.

42 21 4. ~~Notwithstanding the provisions of chapter 17A, the~~
~~42 22 board may cancel a special license at any time without~~
~~42 23 hearing. However, when such license is proposed to be~~
~~42 24 canceled, the board shall promptly notify the licensee by~~
~~42 25 certified mail sent to the last known address of the licensee.~~
~~42 26 Thirty days after the service of such notice, the special~~
~~42 27 license shall be canceled.~~

42 28 ~~5.~~ 4. A special license issued under this section shall
42 29 automatically expire upon the special licensee discontinuing
42 30 service on the academic staff of a medical or osteopathic
42 31 medical school in this state. An expired special license
42 32 shall not be renewed. However, a former special licensee may
42 33 reapply for a special license.

42 34 Sec. 55. Section 148.12, Code Supplement 2007, is amended
42 35 to read as follows:



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43 1 148.12 VOLUNTARY AGREEMENTS.

43 2 The board, after due notice and hearing, may issue an order
43 3 to revoke, suspend, or restrict a license to practice medicine
43 4 and surgery, or osteopathic medicine and surgery, ~~or~~
~~43 5 osteopathy,~~ or to issue a restricted license on application if
43 6 the board determines that a physician licensed to practice
43 7 medicine and surgery, or osteopathic medicine and surgery, ~~or~~
~~43 8 osteopathy,~~ or an applicant for licensure has entered into a
43 9 voluntary agreement to restrict the practice of medicine and
43 10 surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ in
43 11 another state, district, territory, country, or an agency of
43 12 the federal government. A certified copy of the voluntary
43 13 agreement shall be considered prima facie evidence.

43 14 Sec. 56. NEW SECTION. 148.14 BOARD OF MEDICINE
43 15 INVESTIGATORS.

43 16 The board of medicine may appoint investigators, who shall
43 17 not be members of the board, and whose compensation shall be
43 18 determined pursuant to chapter 8A, subchapter IV.
43 19 Investigators appointed by the board have the powers and
43 20 status of peace officers when enforcing this chapter and
43 21 chapter 272C.

43 22 Sec. 57. NEW SECTION. 148C.13 INVESTIGATORS FOR
43 23 PHYSICIAN ASSISTANTS.

43 24 1. The board may appoint investigators, who shall not be
43 25 members of the board, to administer and aid in the enforcement
43 26 of the provisions of law relating to physician assistants.
43 27 The amount of compensation for the investigators shall be
43 28 determined pursuant to chapter 8A, subchapter IV.

43 29 2. Investigators authorized by the board have the powers
43 30 and status of peace officers when enforcing this chapter and
43 31 chapters 147 and 272C.

43 32 Sec. 58. Section 151.2, subsection 1, Code Supplement
43 33 2007, is amended to read as follows:

43 34 1. Licensed physicians and surgeons, licensed ~~osteopaths,~~
~~43 35 and licensed osteopaths and surgeons,~~ osteopathic physicians



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44 1 and surgeons, and physical therapists who are exclusively
44 2 engaged in the practice of their respective professions.
44 3 Sec. 59. Section 151.3, Code Supplement 2007, is amended
44 4 to read as follows:
44 5 151.3 LICENSE.
44 6 Every applicant for a license to practice chiropractic
44 7 shall do all of the following:
44 8 1. Present satisfactory evidence that the applicant
44 9 possesses a preliminary education equal to the requirements
44 10 for graduation from an accredited high school or other
44 11 secondary school.
44 12 2. Present a diploma issued by a college of chiropractic
44 13 approved by the board.
44 14 3. Pass an examination prescribed by the board ~~in the~~
44 15 ~~subjects of anatomy, physiology, nutrition and dietetics,~~
44 16 ~~symptomatology and diagnosis, hygiene and sanitation,~~
44 17 ~~chemistry, histology, pathology, and principles and practice~~
44 18 ~~of chiropractic, including a clinical demonstration of~~
44 19 ~~vertebral palpation, nerve tracing, and adjusting.~~
44 20 Sec. 60. Section 151.4, Code Supplement 2007, is amended
44 21 to read as follows:
44 22 151.4 APPROVED COLLEGE.
44 23 1. A college of chiropractic shall not be approved by the
44 24 board as a college of recognized standing unless the college:
44 25 a. ~~Requires~~ requires for graduation or for the receipt of
44 26 any chiropractic degree the completion of a course of study
44 27 covering a period of four academic years ~~totaling not less~~
44 28 ~~than four thousand sixty-minute hours in actual resident~~
44 29 ~~attendance.~~
44 30 b. ~~Gives an adequate course of study in the subjects~~
44 31 ~~enumerated in subsection 3 of section 151.3 and including~~
44 32 ~~practical clinical instruction.~~
44 33 c. ~~Publishes in a regularly issued catalogue the~~
44 34 ~~requirements for graduation and degrees as herein specified.~~
44 35 2. An approved college of chiropractic may include but is



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45 1 not limited to offerings of courses of study in procedures for
45 2 withdrawing a patient's blood, performing or utilizing
45 3 laboratory tests, and performing physical examinations for
45 4 diagnostic purposes. A chiropractor, employed by an approved
45 5 college of chiropractic and who has been trained to withdraw
45 6 blood may withdraw blood and instruct, and supervise a student
45 7 in the withdrawing of blood.

45 8 Sec. 61. Section 151.5, Code 2007, is amended to read as
45 9 follows:

45 10 151.5 OPERATIVE SURGERY == DRUGS.

45 11 A license to practice chiropractic shall not authorize the
45 12 licensee to practice operative surgery, ~~osteopathy, nor or~~
45 13 ~~administer or prescribe any drug or medicine included in~~
~~45 14 materia medica prescription drugs or controlled substances~~
45 15 which can only be prescribed by persons authorized by law.

45 16 Sec. 62. Section 151.8, subsection 1, Code Supplement
45 17 2007, is amended to read as follows:

45 18 1. A chiropractor shall not use in the chiropractor's
45 19 practice the procedures otherwise authorized by law unless the
45 20 chiropractor has received training in their use by a college
45 21 of chiropractic offering courses of instructions approved by
45 22 the board or by curriculum taught on a postgraduate level
45 23 approved by the board.

45 24 Sec. 63. Section 151.9, subsection 8, Code 2007, is
45 25 amended to read as follows:

45 26 8. Willful or repeated violations of the provisions of
45 27 this ~~Act~~ chapter or chapter 272C.

45 28 Sec. 64. Section 151.12, Code Supplement 2007, is amended
45 29 to read as follows:

45 30 151.12 TEMPORARY CERTIFICATE.

45 31 1. The board may, in its discretion, issue a temporary
45 32 certificate for one year authorizing the certificate holder to
45 33 practice chiropractic if, in the opinion of the board, a need
45 34 exists and the person possesses the qualifications prescribed
45 35 by the board for the certificate, which shall be substantially



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46 1 equivalent to those required for licensure under this chapter.
46 2 ~~The board shall determine in each instance those eligible for~~
~~46 3 this certificate, whether or not examinations shall be given,~~
~~46 4 the type of examinations, and the duration of the certificate.~~
46 5 No requirements of the law pertaining to regular permanent
46 6 licensure are mandatory for ~~this~~ the temporary certificate
46 7 except as specifically designated by the board. The granting
46 8 of a temporary certificate does not in any way indicate that
46 9 the person is eligible for regular licensure or that the board
46 10 is obligated to issue the person a regular license.
46 11 ~~2. The temporary certificate shall be issued for one year~~
~~46 12 and at the discretion of the board may be renewed, but a~~
~~46 13 person shall not practice chiropractic in excess of three~~
~~46 14 years while holding a temporary certificate. The fee for this~~
~~46 15 certificate shall be set by the board, and if extended beyond~~
~~46 16 one year, a renewal fee per year shall be set by the board.~~
46 17 The fee for the temporary certificate shall be based on the
46 18 administrative costs of issuing the certificates.
46 19 Sec. 65. Section 154D.1, Code Supplement 2007, is amended
46 20 by adding the following new subsections:
46 21 NEW SUBSECTION. 7. "Temporary license" means a license to
46 22 practice marital and family therapy or mental health
46 23 counseling under direct supervision of a qualified supervisor
46 24 as determined by the board by rule to fulfill the postgraduate
46 25 supervised clinical experience requirement in accordance with
46 26 this chapter.
46 27 NEW SUBSECTION. 8. "Temporary licensed marital and family
46 28 therapist" means a person licensed to practice marital and
46 29 family therapy under supervision in accordance with section
46 30 154D.7.
46 31 NEW SUBSECTION. 9. "Temporary licensed mental health
46 32 counselor" means a person licensed to practice mental health
46 33 counseling under supervision in accordance with section
46 34 154D.7.
46 35 Sec. 66. Section 154D.2, Code 2007, is amended to read as



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47 1 follows:

47 2 154D.2 LICENSURE == MARITAL AND FAMILY THERAPY == MENTAL
47 3 HEALTH COUNSELING.

47 4 ~~1.~~ An applicant for a license to practice marital and
47 5 family therapy or mental health counseling shall be granted a
47 6 license by the board when the applicant satisfies all of the
47 7 following requirements:

47 8 ~~a.~~ 1. Possesses a master's degree in marital and family
47 9 therapy or mental health counseling, as applicable, consisting
47 10 of at least ~~forty-five credit~~ sixty semester hours, or its
47 11 equivalent, from a nationally accredited institution or from a
47 12 program approved by the board.

47 13 ~~b.~~ 2. Has at least two years of supervised clinical
47 14 experience or its equivalent as approved by the board.
47 15 Standards for supervision, including the required
47 16 qualifications for supervisors, shall be determined by the
47 17 board by rule.

47 18 ~~c.~~ 3. Passes an examination ~~administered~~ approved by the
47 19 board.

47 20 ~~d.~~ ~~Has not failed the examination required in paragraph~~
47 21 ~~"c" within six months of the date of the current application.~~

47 22 ~~2.~~ An applicant for a license to practice mental health
47 23 counseling shall be granted a license by the board when the
47 24 applicant satisfies all of the following requirements:

47 25 ~~a.~~ ~~Possesses a master's degree in counseling consisting of~~
47 26 ~~at least forty-five credit hours, or its equivalent, from a~~
47 27 ~~nationally accredited institution or from a program approved~~
47 28 ~~by the board.~~

47 29 ~~b.~~ ~~Has at least two years of supervised clinical~~
47 30 ~~experience or its equivalent in assessing mental health needs~~
47 31 ~~and problems and in providing appropriate mental health~~
47 32 ~~services as approved by the board. Standards for supervision,~~
47 33 ~~including the required qualifications for supervisors, shall~~
47 34 ~~be determined by the board by rule.~~

47 35 ~~c.~~ ~~Passes an examination administered by the board.~~



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48 1 Sec. 67. Section 154D.3, Code 2007, is amended to read as
48 2 follows:

48 3 154D.3 BOARD ORGANIZATION AND AUTHORITY.

48 4 1. In addition to duties and responsibilities provided in
48 5 chapters 147 and 272C, the board shall adopt rules relating
48 6 to:

48 7 a. Standards required for licensees engaging in the
48 8 professions covered by this chapter.

48 9 b. Standards for professional conduct of persons licensed
48 10 under this chapter.

48 11 c. The administration of this chapter.

48 12 d. The status of active and inactive licensure, and
48 13 guidelines for reentry of inactive licensees.

48 14 e. Educational activities which fulfill continuing
48 15 education requirements for license renewals.

~~48 16 2. A separate subcommittee is established within the board
48 17 for each of the professions under the board's jurisdiction.
48 18 The chairperson of the board shall appoint to the subcommittee
48 19 for each profession those members of the board who represent
48 20 that profession. The chairperson shall appoint two of the
48 21 public members of the board to serve on a subcommittee. Each
48 22 subcommittee shall, by majority vote, rule on all license
48 23 applications within the subcommittee's assigned profession,
48 24 approve and administer the grading of the examination given to
48 25 applicants for licenses to practice that profession, and
48 26 otherwise coordinate the board's administration of all matters
48 27 pertinent to regulation of the practice of the profession.~~

48 28 3. 2. The board may establish subcommittees. A decision
48 29 or recommendation of a subcommittee shall not become effective
48 30 without approval of the board. The board may initiate action
48 31 relating to either of the professions within its jurisdiction.

~~48 32 4. Members attending meetings of the board's subcommittees
48 33 shall be reimbursed on the same basis as members attending
48 34 board meetings up to a maximum of six subcommittee meetings
48 35 per calendar year.~~



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49 1 Sec. 68. Section 154D.4, subsection 2, paragraph b, Code
49 2 2007, is amended to read as follows:

49 3 b. A person who practices marital and family therapy or
49 4 mental health counseling under the supervision of a person
49 5 licensed under this chapter as part of a clinical experience
49 6 as described in section 154D.2, subsection 1, paragraph "b",
~~49 7 or section 154D.2, subsection 2, paragraph "b" 2.~~

49 8 Sec. 69. Section 154D.5, Code 2007, is amended to read as
49 9 follows:

49 10 154D.5 SEXUAL CONDUCT WITH CLIENT.

49 11 1. The license of a marital and family therapist or a
49 12 mental health counselor shall be revoked if the board finds
49 13 that the licensee engaged in sexual activity ~~or genital~~
~~49 14 contact with a client while acting or purporting to act within~~
~~49 15 the licensee's scope of practice, whether or not the client~~
~~49 16 consented to the sexual activity or genital contact as~~
49 17 determined by board rule.

49 18 2. The revocation shall be in addition to any other
49 19 penalties provided by law.

49 20 Sec. 70. NEW SECTION. 154D.7 TEMPORARY LICENSE ==
49 21 MARITAL AND FAMILY THERAPY == MENTAL HEALTH COUNSELING ==
49 22 FEES.

49 23 Any person who has fulfilled all of the requirements for
49 24 licensure under this chapter, except for having completed the
49 25 postgraduate supervised clinical experience requirement as
49 26 determined by the board by rule, may apply to the board for a
49 27 temporary license. The license shall be designated "temporary
49 28 license in marital and family therapy" or "temporary license
49 29 in mental health counseling" and shall authorize the licensee
49 30 to practice marital and family therapy or mental health
49 31 counseling under the supervision of a qualified supervisor as
49 32 determined by the board by rule. The license shall be valid
49 33 for three years and may be renewed at the discretion of the
49 34 board. The fee for a temporary license shall be set by the
49 35 board to cover the administrative costs of issuing the



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50 1 license, and if renewed, a renewal fee as set by the board
50 2 shall be required.

50 3 Sec. 71. NEW SECTION. 154F.1 DEFINITIONS.

50 4 As used in this chapter, unless the context otherwise
50 5 requires:

50 6 1. "Audiologist" means a person who engages in the
50 7 practice of audiology.

50 8 2. "Board" means the board of speech pathology and
50 9 audiology established pursuant to section 147.14, subsection
50 10 9.

50 11 3. The "practice of audiology" means the application of
50 12 principles, methods, and procedures for measurement, testing,
50 13 evaluation, prediction, consultation, counseling, instruction,
50 14 habilitation, rehabilitation, or remediation related to
50 15 hearing and disorders of hearing and associated communication
50 16 disorders for the purpose of nonmedically evaluating,
50 17 identifying, preventing, ameliorating, modifying, or
50 18 remediating such disorders and conditions in individuals or
50 19 groups of individuals, including the determination and use of
50 20 appropriate amplification.

50 21 4. The "practice of speech pathology" means the
50 22 application of principles, methods, and procedures for the
50 23 measurement, testing, evaluation, prediction, consultation,
50 24 counseling, instruction, habilitation, rehabilitation, or
50 25 remediation related to the development and disorders of
50 26 speech, fluency, voice, or language for the purposes of
50 27 nonmedically evaluating, preventing, ameliorating, modifying,
50 28 or remediating such disorders and conditions in individuals or
50 29 groups of individuals.

50 30 5. "Speech pathologist" means a person who engages in the
50 31 practice of speech pathology.

50 32 Sec. 72. NEW SECTION. 154F.2 APPLICABILITY.

50 33 1. Nothing contained in this chapter shall be construed to
50 34 apply to:

50 35 a. Licensed physicians and surgeons, licensed osteopathic



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51 1 physicians and surgeons, licensed osteopaths, licensed
51 2 physician assistants and registered nurses acting under the
51 3 supervision of a physician, persons conducting hearing tests
51 4 under the direct supervision of a licensed physician and
51 5 surgeon, licensed osteopathic physician and surgeon, or
51 6 licensed osteopath, or students of medicine or surgery or
51 7 osteopathic medicine and surgery pursuing a course of study in
51 8 a medical school or college of osteopathic medicine and
51 9 surgery approved by the board of medicine while performing
51 10 functions incidental to their course of study.

51 11 b. Hearing aid fitting, the dispensing or sale of hearing
51 12 aids, and the providing of hearing aid service and maintenance
51 13 by a hearing aid dispenser or holder of a temporary permit as
51 14 defined and licensed under chapter 154A.

51 15 c. Students enrolled in an accredited college or
51 16 university pursuing a course of study leading to a degree in
51 17 speech pathology or audiology while receiving clinical
51 18 training as a part of the course of study and acting under the
51 19 supervision of a licensed speech pathologist or audiologist
51 20 provided they use the title "trainee" or similar title clearly
51 21 indicating training status.

51 22 d. Nonprofessional aides who perform their services under
51 23 the supervision of a speech pathologist or audiologist as
51 24 appropriate and who meet such qualifications as may be
51 25 established by the board for aides if they use the title
51 26 "aide", "assistant", "technician", or other similar title
51 27 clearly indicating their status.

51 28 e. Audiometric tests administered pursuant to the United
51 29 States Occupational Safety and Health Act of 1970 or chapter
51 30 88, and in accordance with regulations issued thereunder, by
51 31 employees of a person engaged in business, including the state
51 32 of Iowa, its various departments, agencies, and political
51 33 subdivisions, solely to employees of such employer, while
51 34 acting within the scope of their employment.

51 35 f. Persons certified by the department of education as



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52 1 speech clinicians or hearing clinicians and employed by a
52 2 school district or area education agency while acting within
52 3 the scope of their employment.
52 4 2. A person exempted from the provisions of this chapter
52 5 by this section shall not use the title "speech pathologist"
52 6 or "audiologist" or any title or device indicating or
52 7 representing in any manner that the person is a speech
52 8 pathologist or is an audiologist; provided, a hearing aid
52 9 dispenser licensed under chapter 154A may use the title
52 10 "certified hearing aid audiologist" when granted by the
52 11 national hearing aid society; and provided, persons who meet
52 12 the requirements of section 154F.3, subsection 1, who are
52 13 certified by the department of education as speech clinicians
52 14 may use the title "speech pathologist" and persons who meet
52 15 the requirements of section 154F.3, subsection 2, who are
52 16 certified by the department of education as hearing clinicians
52 17 may use the title "audiologist", while acting within the scope
52 18 of their employment.
52 19 Sec. 73. NEW SECTION. 154F.3 REQUIREMENTS FOR LICENSE.
52 20 Each applicant for a license as a speech pathologist or
52 21 audiologist shall meet all of the following requirements:
52 22 1. For a license as a speech pathologist:
52 23 a. Possess a master's degree or its equivalent from an
52 24 accredited school, college, or university with a major in
52 25 speech pathology.
52 26 b. Show evidence of completion of not less than three
52 27 hundred hours of supervised clinical training in speech
52 28 pathology as a student in an accredited school, college, or
52 29 university.
52 30 c. Show evidence of completion of not less than nine
52 31 months clinical experience under the supervision of a licensed
52 32 speech pathologist following the receipt of the master's
52 33 degree.
52 34 2. Pass an examination as determined by the board in rule.
52 35 Sec. 74. NEW SECTION. 154F.4 WAIVER OF EXAMINATION



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53 1 REQUIREMENT.

53 2 The examinations required in section 154F.3, subsection 3,
53 3 may be waived by the board for holders by examination of
53 4 licenses or certificates from states whose requirements are
53 5 substantially equivalent to those of this chapter.

53 6 Sec. 75. NEW SECTION. 154F.5 TEMPORARY CLINICAL LICENSE
53 7 IN SPEECH PATHOLOGY == FEE.

53 8 Any person who has fulfilled all of the requirements for
53 9 speech pathology licensure under this chapter, except for
53 10 having completed the nine months clinical experience
53 11 requirement as provided in section 154F.3, subsection 1, may
53 12 apply to the board for a temporary clinical license in speech
53 13 pathology. The license shall be designated "temporary
53 14 clinical license in speech pathology" and shall authorize the
53 15 licensee to practice speech pathology under the supervision of
53 16 a licensed speech pathologist. The license shall be valid for
53 17 one year and may be renewed at the discretion of the board.
53 18 The fee for a temporary clinical license shall be set by the
53 19 board to cover the administrative costs of issuing the
53 20 license, and if renewed, a renewal fee as set by the board
53 21 shall be required. A temporary clinical license in speech
53 22 pathology shall be issued only upon evidence satisfactory to
53 23 the board that the applicant will be supervised by a person
53 24 licensed as a speech pathologist.

53 25 Sec. 76. NEW SECTION. 154F.6 TEMPORARY PERMIT.

53 26 The board may, at its discretion, issue a temporary permit
53 27 to a nonresident authorizing the permittee to practice speech
53 28 pathology or audiology in this state for a period not to
53 29 exceed three months whenever, in the opinion of the board, a
53 30 need exists and the permittee, in the opinion of the board,
53 31 possesses the necessary qualifications which shall be
53 32 substantially equivalent to those required for licensure by
53 33 this chapter.

53 34 Sec. 77. Section 155A.26, Code Supplement 2007, is amended
53 35 to read as follows:



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54 1 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.
54 2 The board, its officers, agents, inspectors, and
54 3 representatives, and all peace officers within the state, and
54 4 all county attorneys shall enforce all provisions of this
54 5 chapter, except those specifically delegated, and shall
54 6 cooperate with all agencies charged with the enforcement of
54 7 the laws of the United States, of this state, and of all other
54 8 states relating to prescription drugs. Officers, agents,
54 9 inspectors, and representatives of the board shall have the
54 10 powers and status of peace officers when enforcing the
54 11 provisions of this chapter and chapters 124, 126, and 205.
54 12 Officers, agents, inspectors, and representatives of the board
54 13 of pharmacy may:
54 14 1. Administer oaths, acknowledge signatures, and take
54 15 testimony.
54 16 2. Make audits of the supply and inventory of controlled
54 17 substances and prescription drugs in the possession of any and
54 18 all individuals or institutions authorized to have possession
54 19 of any controlled substances or prescription drugs.
54 20 3. Conduct routine and unannounced inspections of
54 21 pharmacies, drug wholesalers, and the offices or business
54 22 locations of all individuals and institutions authorized to
54 23 have possession of prescription drugs including controlled
54 24 substances or prescription devices.
54 25 4. Conduct inspections and investigations related to the
54 26 practice of pharmacy and the distribution of prescription
54 27 drugs and devices in this state.
54 28 5. Seize controlled or counterfeit substances or articles
54 29 used in the manufacture or sale of controlled or counterfeit
54 30 substances which they have reasonable grounds to believe are
54 31 held in violation of law.
54 32 6. Seize prescription medications which they believe are
54 33 held in violation of law.
54 34 7. Perform other duties as specifically authorized or
54 35 mandated by law or rule.



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55 1 Sec. 78. Sections 147.29, 147.30, 147.43, 147.51, 147.52,
55 2 147.54, 147.58 through 147.71, 147.75, 147.90, 147.104, and
55 3 147.153 through 147.156, Code 2007, are repealed.

55 4 Sec. 79. Sections 147.18, 147.26, 147.35, 147.39, 147.40
55 5 through 147.42, 147.45 through 147.47, 147.50, 147.94 through
55 6 147.96, 147.98 through 147.100, 147.102, 147.103, 147.103A,
55 7 147.151, 147.152, 148.4, 152C.8, and 154D.6, Code Supplement
55 8 2007, are repealed.

55 9 Sec. 80. Chapters 150 and 150A, Code and Code Supplement
55 10 2007, are repealed.

55 11

DIVISION II

55 12

COORDINATING AMENDMENTS

55 13 Sec. 81. Section 85B.9, subsection 2, Code 2007, is
55 14 amended to read as follows:

55 15 2. Audiometric examinations shall be administered by
55 16 persons who are certified by the council for accreditation in
55 17 occupational hearing conservation or by persons licensed as
55 18 audiologists under chapter ~~147~~ 154F, or as physicians or
55 19 osteopathic physicians and surgeons under chapter 148, ~~as~~
~~55 20 osteopathic physicians under chapter 150, or as osteopathic~~
~~55 21 physicians and surgeons under chapter 150A,~~ provided the
55 22 licensed persons are trained in audiometry.

55 23 Sec. 82. Section 124.555, subsection 1, Code Supplement
55 24 2007, is amended to read as follows:

55 25 1. The council shall consist of eight members appointed by
55 26 the governor. The members shall include three licensed
55 27 pharmacists, four physicians licensed under chapter 148, ~~150,~~
~~55 28 or 150A,~~ and one licensed prescribing practitioner who is not
55 29 a physician. The governor shall solicit recommendations for
55 30 council members from Iowa health professional licensing
55 31 boards, associations, and societies. The license of each
55 32 member appointed to and serving on the advisory council shall
55 33 be current and in good standing with the professional's
55 34 licensing board.

55 35 Sec. 83. Section 135.11, subsection 15, Code Supplement



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56 1 2007, is amended to read as follows:

56 2 15. Establish standards for, issue permits for, and
56 3 exercise control over the distribution of venereal disease
56 4 prophylactics distributed by methods not under the direct
56 5 supervision of a physician licensed under chapter 148, ~~150, or~~
~~56 6 150A~~, or a pharmacist licensed under chapter 147. Any person
56 7 selling, offering for sale, or giving away any venereal
56 8 disease prophylactics in violation of the standards
56 9 established by the department shall be fined not exceeding
56 10 five hundred dollars, and the department shall revoke their
56 11 permit.

56 12 Sec. 84. Section 135.24, subsection 2, paragraph d, Code
56 13 Supplement 2007, is amended to read as follows:

56 14 d. Identification of the services to be provided under the
56 15 program. The services provided may include, but shall not be
56 16 limited to, obstetrical and gynecological medical services,
56 17 psychiatric services provided by a physician licensed under
56 18 chapter 148, ~~150, or 150A~~, dental services provided under
56 19 chapter 153, or other services provided under chapter 147A,
56 20 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C,
56 21 154D, 154F, or 155A.

56 22 Sec. 85. Section 135.24, subsection 6, paragraph d, Code
56 23 Supplement 2007, is amended to read as follows:

56 24 d. "Health care provider" means a physician licensed under
56 25 chapter 148, ~~150, or 150A~~, a chiropractor licensed under
56 26 chapter 151, a physical therapist licensed pursuant to chapter
56 27 148A, an occupational therapist licensed pursuant to chapter
56 28 148B, a podiatrist licensed pursuant to chapter 149, a
56 29 physician assistant licensed and practicing under a
56 30 supervising physician pursuant to chapter 148C, a licensed
56 31 practical nurse, a registered nurse, or an advanced registered
56 32 nurse practitioner licensed pursuant to chapter 152 or 152E, a
56 33 respiratory therapist licensed pursuant to chapter 152B, a
56 34 dentist, dental hygienist, or dental assistant registered or
56 35 licensed to practice under chapter 153, an optometrist



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57 1 licensed pursuant to chapter 154, a psychologist licensed
57 2 pursuant to chapter 154B, a social worker licensed pursuant to
57 3 chapter 154C, a mental health counselor or a marital and
57 4 family therapist licensed pursuant to chapter 154D, a
57 5 pharmacist licensed pursuant to chapter 155A, or an emergency
57 6 medical care provider certified pursuant to chapter 147A.
57 7 Sec. 86. Section 135.61, subsection 10, Code 2007, is
57 8 amended to read as follows:
57 9 10. "Health care provider" means a person licensed or
57 10 certified under chapter 147, 148, 148A, 148C, 149, ~~150, 150A,~~
57 11 ~~151, 152, 153, 154, 154B, 154F,~~ or 155A to provide in this
57 12 state professional health care service to an individual during
57 13 that individual's medical care, treatment or confinement.
57 14 Sec. 87. Section 135.105D, subsection 1, paragraph c, Code
57 15 Supplement 2007, is amended to read as follows:
57 16 c. "Health care provider" means a physician who is
57 17 licensed under chapter 148, ~~150, or 150A,~~ or a person who is
57 18 licensed as a physician assistant under chapter 148C or as an
57 19 advanced registered nurse practitioner.
57 20 Sec. 88. Section 135B.7, unnumbered paragraph 2, Code
57 21 2007, is amended to read as follows:
57 22 The rules shall state that a hospital shall not deny
57 23 clinical privileges to physicians and surgeons, podiatric
57 24 ~~physicians, osteopaths,~~ osteopathic physicians and surgeons,
57 25 dentists, certified health service providers in psychology,
57 26 physician assistants, or advanced registered nurse
57 27 practitioners licensed under chapter 148, 148C, 149, ~~150,~~
~~57 28 150A,~~ 152, or 153, or section 154B.7, solely by reason of the
57 29 license held by the practitioner or solely by reason of the
57 30 school or institution in which the practitioner received
57 31 medical schooling or postgraduate training if the medical
57 32 schooling or postgraduate training was accredited by an
57 33 organization recognized by the council on postsecondary
57 34 accreditation or an accrediting group recognized by the United
57 35 States department of education. A hospital may establish



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58 1 procedures for interaction between a patient and a
58 2 practitioner. The rules shall not prohibit a hospital from
58 3 limiting, restricting, or revoking clinical privileges of a
58 4 practitioner for violation of hospital rules, regulations, or
58 5 procedures established under this paragraph, when applied in
58 6 good faith and in a nondiscriminatory manner. This paragraph
58 7 shall not require a hospital to expand the hospital's current
58 8 scope of service delivery solely to offer the services of a
58 9 class of providers not currently providing services at the
58 10 hospital. This section shall not be construed to require a
58 11 hospital to establish rules which are inconsistent with the
58 12 scope of practice established for licensure of practitioners
58 13 to whom this paragraph applies. This section shall not be
58 14 construed to authorize the denial of clinical privileges to a
58 15 practitioner or class of practitioners solely because a
58 16 hospital has as employees of the hospital identically licensed
58 17 practitioners providing the same or similar services.

58 18 Sec. 89. Section 135C.40, subsection 3, Code 2007, is
58 19 amended to read as follows:

58 20 3. No health care facility shall be cited for any
58 21 violation caused by any practitioner licensed pursuant to
58 22 chapter 148, ~~150 or 150A~~ if that practitioner is not the
58 23 licensee of and is not otherwise financially interested in the
58 24 facility, and the licensee or the facility presents evidence
58 25 that reasonable care and diligence have been exercised in
58 26 notifying the practitioner of the practitioner's duty to the
58 27 patients in the facility.

58 28 Sec. 90. Section 135H.1, subsection 7, Code 2007, is
58 29 amended to read as follows:

58 30 7. "Physician" means a person licensed under chapter 148
58 31 ~~or 150A~~.

58 32 Sec. 91. Section 135J.1, subsection 6, paragraph a, Code
58 33 2007, is amended to read as follows:

58 34 a. A licensed physician pursuant to chapter 148, ~~150, or~~
~~58 35 150A~~.



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59 1 Sec. 92. Section 141A.1, subsection 8, Code Supplement
59 2 2007, is amended to read as follows:

59 3 8. "Health care provider" means a person licensed to
59 4 practice medicine and surgery, osteopathic medicine and
59 5 surgery, ~~osteopathy~~, chiropractic, podiatry, nursing,
59 6 dentistry, or optometry, or as a physician assistant, dental
59 7 hygienist, or acupuncturist.

59 8 Sec. 93. Section 142C.7, Code Supplement 2007, is amended
59 9 to read as follows:

59 10 142C.7 CONFIDENTIAL INFORMATION.

59 11 A hospital, licensed or certified health care professional
59 12 pursuant to chapter 148, 148C, ~~150A~~, or 152, or medical
59 13 examiner may release patient information to a procurement
59 14 organization as part of a referral or retrospective review of
59 15 the patient as a potential donor. Any information regarding a
59 16 patient, including the patient's identity, however,
59 17 constitutes confidential medical information and under any
59 18 other circumstances is prohibited from disclosure without the
59 19 written consent of the patient or the patient's legal
59 20 representative.

59 21 Sec. 94. Section 144.29A, subsection 7, Code 2007, is
59 22 amended to read as follows:

59 23 7. For the purposes of this section, "health care
59 24 provider" means an individual licensed under chapter 148,
59 25 148C, 148D, ~~150, 150A~~, or 152, or any individual who provides
59 26 medical services under the authorization of the licensee.

59 27 Sec. 95. Section 147.106, subsection 8, paragraph b, Code
59 28 2007, is amended to read as follows:

59 29 b. "Physician" means any person licensed to practice
59 30 medicine and surgery, or osteopathic medicine and surgery, ~~or~~
~~59 31 osteopathy~~ in this state or in another state.

59 32 Sec. 96. Section 147.108, subsections 1 and 2, Code
59 33 Supplement 2007, are amended to read as follows:

59 34 1. A person shall not dispense or adapt contact lenses
59 35 without first receiving authorization to do so by a written,



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60 1 electronic, or facsimile prescription, except when authorized
60 2 orally under subsection 2, from a person licensed under
60 3 chapter ~~148, 150, 150A~~, or 154. The board of optometry shall
60 4 adopt rules relating to electronic or facsimile transmission
60 5 of a prescription under this section.

60 6 2. After contact lenses have been adequately adapted and
60 7 the patient released from initial follow-up care by a person
60 8 licensed under chapter ~~148, 150, 150A~~, or 154, the patient may
60 9 request a copy, at no cost, of the contact lens prescription
60 10 from that licensed person. A person licensed under chapter
60 11 ~~148, 150, 150A~~, or 154 shall not withhold a contact lens
60 12 prescription after the requirements of this section have been
60 13 met. The prescription, at the option of the prescriber, may
60 14 be given orally only to a person who is actively practicing
60 15 and licensed under chapter 148, ~~150, 150A~~, 154, or 155A. The
60 16 contact lens prescription shall contain an expiration date, at
60 17 the discretion of the prescriber, but not to exceed eighteen
60 18 months. The contact lens prescription shall contain the
60 19 necessary requirements of the ophthalmic lens, and the
60 20 prescription validation requirements as defined by rules
60 21 adopted pursuant to this section. The prescription may
60 22 contain adapting and material guidelines and may also contain
60 23 specific instructions for use by the patient. For the purpose
60 24 of this section, "ophthalmic lens" means one which has been
60 25 fabricated to fill the requirements of a particular contact
60 26 lens prescription.

60 27 Sec. 97. Section 147.109, subsections 1, 2, and 3, Code
60 28 Supplement 2007, are amended to read as follows:

60 29 1. A person shall not dispense or adapt an ophthalmic
60 30 spectacle lens or lenses without first receiving authorization
60 31 to do so by a written, electronic, or facsimile prescription
60 32 from a person licensed under chapter ~~148, 150, 150A~~, or 154.
60 33 For the purpose of this section, "ophthalmic spectacle lens"
60 34 means one which has been fabricated to fill the requirements
60 35 of a particular spectacle lens prescription. The board of



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61 1 optometry shall adopt rules relating to electronic or
61 2 facsimile transmission of a prescription under this section.
61 3 2. Upon completion of an eye examination, a person
61 4 licensed under chapter 148, ~~150, 150A,~~ or 154 shall furnish
61 5 the patient a copy of their ophthalmic spectacle lens
61 6 prescription at no cost. The ophthalmic spectacle lens
61 7 prescription shall contain an expiration date. The ophthalmic
61 8 spectacle lens prescription shall contain the requirements of
61 9 the ophthalmic spectacle lens and the prescription validation
61 10 requirements as defined by rules adopted pursuant to this
61 11 section. The prescription, at the option of the prescriber,
61 12 may contain adapting and material guidelines and may also
61 13 contain specific instructions for use by the patient.
61 14 3. Upon request of a patient, a person licensed under
61 15 chapter 148, ~~150, 150A,~~ or 154 shall provide the prescription
61 16 of the patient, if the prescription has not expired, at no
61 17 cost to another person licensed under chapter 148, ~~150, 150A,~~
61 18 or 154. The person licensed under chapter 148, ~~150, 150A,~~ or
61 19 154 shall accept the prescription and shall not require the
61 20 patient to undergo an eye examination unless, due to
61 21 observation or patient history, the licensee has reason to
61 22 require an examination.
61 23 Sec. 98. Section 147.139, Code 2007, is amended to read as
61 24 follows:
61 25 147.139 EXPERT WITNESS STANDARDS.
61 26 If the standard of care given by a physician and surgeon or
61 27 an osteopathic physician and surgeon licensed pursuant to
61 28 chapter 148, or osteopathic physician and surgeon licensed
61 29 ~~pursuant to chapter 150A,~~ or a dentist licensed pursuant to
61 30 chapter 153, is at issue, the court shall only allow a person
61 31 to qualify as an expert witness and to testify on the issue of
61 32 the appropriate standard of care if the person's medical or
61 33 dental qualifications relate directly to the medical problem
61 34 or problems at issue and the type of treatment administered in
61 35 the case.



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62 1 Sec. 99. Section 147A.1, subsection 9, Code 2007, is
62 2 amended to read as follows:

62 3 9. "Physician" means an individual licensed under chapter
62 4 148, ~~150, or 150A.~~

62 5 Sec. 100. Section 148A.3, subsections 1 and 4, Code 2007,
62 6 are amended to read as follows:

62 7 1. Licensed physicians and surgeons, ~~osteopaths,~~
62 8 osteopathic physicians and surgeons, podiatric physicians,
62 9 chiropractors, nurses, dentists, cosmetologists, and barbers,
62 10 who are engaged in the practice of their respective
62 11 professions.

62 12 4. Nonprofessional workers not held out as physical
62 13 therapists who are employed in hospitals, clinics, offices or
62 14 health care facilities as defined in section 135C.1 working
62 15 under the supervision and direction of a physical therapist or
62 16 physician licensed pursuant to chapter 148, ~~150 or 150A.~~

62 17 Sec. 101. Section 152.1, subsection 3, Code Supplement
62 18 2007, is amended to read as follows:

62 19 3. "Physician" means a person licensed in this state to
62 20 practice medicine and surgery, ~~osteopathy~~ osteopathic medicine
62 21 and surgery, ~~or osteopathy,~~ or a person licensed in this state
62 22 to practice dentistry or podiatry when acting within the scope
62 23 of the license. A physician licensed to practice medicine and
62 24 surgery, osteopathic medicine and surgery, or osteopathy in a
62 25 state bordering this state shall be considered a physician for
62 26 purposes of this chapter unless previously determined to be
62 27 ineligible for such consideration by the board of medicine.

62 28 Sec. 102. Section 152.1, subsection 5, paragraph a, Code
62 29 Supplement 2007, is amended to read as follows:

62 30 a. The practice of medicine and surgery and the practice
62 31 of osteopathic medicine and surgery, as defined in chapter
62 32 148, ~~the osteopathic practice, as defined in chapter 150, the~~
~~62 33 practice of osteopathic medicine and surgery, as defined in~~
~~62 34 chapter 150A, or the practice of pharmacy as defined in~~
62 35 chapter 155A, except practices which are recognized by the



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63 1 medical and nursing professions and approved by the board as
63 2 proper to be performed by a registered nurse.

63 3 Sec. 103. Section 152.8, unnumbered paragraph 1, Code
63 4 2007, is amended to read as follows:

63 5 Notwithstanding the provisions of sections 147.44 through
63 6 ~~147.54~~ 147.50, and 147.53, the following shall apply regarding
63 7 applicants for nurse licensure possessing a license from
63 8 another state:

63 9 Sec. 104. Section 152.10, subsection 1, Code 2007, is
63 10 amended to read as follows:

63 11 1. Notwithstanding sections 147.87 to 147.89 ~~and in~~
~~63 12 addition to the provisions of sections 147.58 to 147.71~~, the
63 13 board may restrict, suspend, or revoke a license to practice
63 14 nursing or place the licensee on probation. The board may
63 15 also prescribe by rule conditions of license reinstatement.
63 16 The board shall prescribe rules of procedure by which to
63 17 restrict, suspend, or revoke a license. These procedures
63 18 shall conform to the provisions of chapter 17A.

63 19 Sec. 105. Section 152.12, Code 2007, is amended to read as
63 20 follows:

63 21 152.12 EXAMINATION INFORMATION.

63 22 Notwithstanding section 147.21, ~~subsection 3~~, individual
63 23 pass or fail examination results made available from the
63 24 authorized national testing agency may be disclosed to the
63 25 appropriate licensing authority in another state, the District
63 26 of Columbia, or a territory or county, and the board=approved
63 27 education program, for purposes of verifying accuracy of
63 28 national data and determining program approval.

63 29 Sec. 106. Section 154.1, subsections 3 and 4, Code
63 30 Supplement 2007, are amended to read as follows:

63 31 3. Diagnostically certified licensed optometrists may
63 32 employ cycloplegics, mydriatics, and topical anesthetics as
63 33 diagnostic agents topically applied to determine the condition
63 34 of the human eye for proper optometric practice or referral
63 35 for treatment to a person licensed under chapter 148, ~~150, or~~



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~~64 1 150A.~~ A diagnostically certified licensed optometrist is an
64 2 optometrist who is licensed to practice optometry in this
64 3 state and who is certified by the board to use diagnostic
64 4 agents.
64 5 4. Therapeutically certified optometrists may employ all
64 6 diagnostic and therapeutic pharmaceutical agents for the
64 7 purpose of diagnosis and treatment of conditions of the human
64 8 eye and adnexa pursuant to this subsection, excluding the use
64 9 of injections other than to counteract an anaphylactic
64 10 reaction, and notwithstanding section 147.107, may without
64 11 charge supply any of the above pharmaceuticals to commence a
64 12 course of therapy. Therapeutically certified optometrists may
64 13 prescribe oral steroids for a period not to exceed fourteen
64 14 days without consultation with a physician. Therapeutically
64 15 certified optometrists shall not prescribe oral Imuran or oral
64 16 Methotrexate. Therapeutically certified optometrists may be
64 17 authorized, where reasonable and appropriate, by rule of the
64 18 board, to employ new diagnostic and therapeutic pharmaceutical
64 19 agents approved by the United States food and drug
64 20 administration on or after July 1, 2002, for the diagnosis and
64 21 treatment of the human eye and adnexa. The board shall not be
64 22 required to adopt rules relating to topical pharmaceutical
64 23 agents, oral antimicrobial agents, oral antihistamines, oral
64 24 antiglaucoma agents, and oral analgesic agents. Superficial
64 25 foreign bodies may be removed from the human eye and adnexa.
64 26 The therapeutic efforts of a therapeutically certified
64 27 optometrist are intended for the purpose of examination,
64 28 diagnosis, and treatment of visual defects, abnormal
64 29 conditions, and diseases of the human eye and adnexa, for
64 30 proper optometric practice or referral for consultation or
64 31 treatment to persons licensed under chapter 148, ~~150, or 150A.~~
64 32 A therapeutically certified optometrist is an optometrist who
64 33 is licensed to practice optometry in this state and who is
64 34 certified by the board to use the agents and procedures
64 35 authorized pursuant to this subsection.



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65 1 Sec. 107. Section 154.10, Code Supplement 2007, is amended
65 2 to read as follows:

65 3 154.10 STANDARD OF CARE.

65 4 1. A diagnostically certified licensed optometrist
65 5 employing diagnostic pharmaceutical agents as authorized by
65 6 section 154.1 shall be held to the same standard of care in
65 7 the use of such agents and in diagnosis as is common to
65 8 persons licensed under chapter 148, ~~150, or 150A~~ in this
65 9 state.

65 10 2. A therapeutically certified optometrist employing
65 11 pharmaceutical agents as authorized by section 154.1 shall be
65 12 held to the same standard of care in the use of such agents
65 13 and in diagnosis and treatment as is common to persons
65 14 licensed under chapter 148, ~~150, or 150A~~ in this state.

65 15 Sec. 108. Section 154B.2, Code 2007, is amended to read as
65 16 follows:

65 17 154B.2 PRACTICE NOT AUTHORIZED.

65 18 This chapter shall not authorize the practice of medicine
65 19 and surgery or the practice of osteopathic medicine and
65 20 surgery by any person not licensed pursuant to chapter 148,
~~65 21 the practice of osteopathy by any person not licensed pursuant~~
~~65 22 to chapter 150, or the practice of osteopathic medicine and~~
~~65 23 surgery by any person not licensed pursuant to chapter 150A.~~

65 24 Sec. 109. Section 155.11, Code 2007, is amended to read as
65 25 follows:

65 26 155.11 RECIPROCITY WITH OTHER STATES.

65 27 The board may issue a nursing home administrator's license,
65 28 without examination, to any person who holds a current license
65 29 as a nursing home administrator from another jurisdiction if
65 30 reciprocal agreements are entered into with another
65 31 jurisdiction under sections ~~147.45 through 147.54~~ 147.44,
65 32 147.48, 147.49, and 147.53.

65 33 Sec. 110. Section 156.9, subsection 1, Code Supplement
65 34 2007, is amended to read as follows:

65 35 1. Notwithstanding section 147.87 ~~and in addition to the~~



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~~66 1 provisions of sections 147.58 through 147.71, the board may~~
66 2 restrict, suspend, or revoke a license to practice mortuary
66 3 science or place a licensee on probation. The board shall
66 4 adopt rules of procedure pursuant to chapter 17A by which to
66 5 restrict, suspend, or revoke a license. The board may also
66 6 adopt rules pursuant to chapter 17A relating to conditions of
66 7 license reinstatement.

66 8 Sec. 111. Section 157.13, subsection 1, paragraph b, Code
66 9 2007, is amended to read as follows:

66 10 b. Notwithstanding section 157.12, when the licensee is
66 11 employed by a physician and provides cosmetology services at
66 12 the place of practice of a physician and is under the
66 13 supervision of a physician licensed to practice pursuant to
66 14 chapter 148, ~~150, or 150A.~~

66 15 Sec. 112. Section 229.1, subsection 8, Code 2007, is
66 16 amended to read as follows:

66 17 8. "Licensed physician" means an individual licensed under
66 18 the provisions of chapter 148, ~~150, or 150A~~ to practice
66 19 medicine and surgery, ~~osteopathy,~~ or osteopathic medicine and
66 20 surgery.

66 21 Sec. 113. Section 232.68, subsection 3, paragraph c, Code
66 22 2007, is amended to read as follows:

66 23 c. "Physical examination" means direct physical viewing,
66 24 touching, and medically necessary manipulation of any area of
66 25 the child's body by a physician licensed under chapter 148 ~~or~~
~~66 26 150A.~~

66 27 Sec. 114. Section 232.68, subsection 5, Code 2007, is
66 28 amended to read as follows:

66 29 5. "Health practitioner" includes a licensed physician and
66 30 surgeon, ~~osteopath,~~ osteopathic physician and surgeon,
66 31 dentist, optometrist, podiatric physician, or chiropractor; a
66 32 resident or intern in any of such professions; a licensed
66 33 dental hygienist, a registered nurse or licensed practical
66 34 nurse; a physician assistant; and an emergency medical care
66 35 provider certified under section 147A.6.



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67 1 Sec. 115. Section 232.68, subsection 6, paragraph a, Code
67 2 2007, is amended to read as follows:

67 3 a. Holds at least a master's degree in a mental health
67 4 field, including, but not limited to, psychology, counseling,
67 5 nursing, or social work; or is licensed to practice medicine
67 6 pursuant to chapter 148, ~~150, or 150A.~~

67 7 Sec. 116. Section 272C.5, subsection 2, paragraph c, Code
67 8 Supplement 2007, is amended to read as follows:

67 9 c. Shall state whether the procedures are an alternative
67 10 to or an addition to the procedures stated in sections ~~147.58~~
~~67 11 through 147.71,~~ 148.6 through 148.9, 152.10, 152.11, 153.33,
67 12 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

67 13 Sec. 117. Section 280.16, subsection 1, paragraph b, Code
67 14 2007, is amended to read as follows:

67 15 b. "Physician" means a person licensed under chapter 148,
67 16 ~~150, or 150A,~~ or a physician's assistant, advanced registered
67 17 nurse practitioner, or other person licensed or registered to
67 18 distribute or dispense a prescription drug or device in the
67 19 course of professional practice in this state in accordance
67 20 with section 147.107, or a person licensed by another state in
67 21 a health field in which, under Iowa law, licensees in this
67 22 state may legally prescribe drugs.

67 23 Sec. 118. Section 321.34, subsection 14, Code Supplement
67 24 2007, is amended to read as follows:

67 25 14. PERSONS WITH DISABILITIES SPECIAL PLATES. An owner
67 26 referred to in subsection 12 or an owner of a trailer used to
67 27 transport a wheelchair who is a person with a disability, or
67 28 who is the parent or guardian of a child who resides with the
67 29 parent or guardian owner and who is a person with a
67 30 disability, as defined in section 321L.1, may, upon written
67 31 application to the department, order special registration
67 32 plates with a persons with disabilities processed emblem
67 33 designed by the department bearing the international symbol of
67 34 accessibility. The special registration plates with a persons
67 35 with disabilities processed emblem shall only be issued if the



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68 1 application is accompanied with a statement from a physician
68 2 licensed under chapter 148, or 149, ~~150, or 150A~~, a physician
68 3 assistant licensed under chapter 148C, an advanced registered
68 4 nurse practitioner licensed under chapter 152, or a
68 5 chiropractor licensed under chapter 151, written on the
68 6 physician's, physician assistant's, nurse practitioner's, or
68 7 chiropractor's stationery, stating the nature of the
68 8 applicant's or the applicant's child's disability and such
68 9 additional information as required by rules adopted by the
68 10 department, including proof of residency of a child who is a
68 11 person with a disability. If the application is approved by
68 12 the department, the special registration plates with a persons
68 13 with disabilities processed emblem shall be issued to the
68 14 applicant. There shall be no fee in addition to the regular
68 15 annual registration fee for the special registration plates
68 16 with a persons with disabilities processed emblem. The
68 17 authorization for special registration plates with a persons
68 18 with disabilities processed emblem shall not be renewed
68 19 without the applicant furnishing evidence to the department
68 20 that the owner of the vehicle or the owner's child is still a
68 21 person with a disability as defined in section 321L.1. An
68 22 owner who has a child who is a person with a disability shall
68 23 provide satisfactory evidence to the department that the child
68 24 with a disability continues to reside with the owner. The
68 25 registration plates with a persons with disabilities processed
68 26 emblem shall be surrendered in exchange for regular
68 27 registration plates as provided in subsection 12 when the
68 28 owner of the vehicle or the owner's child no longer qualifies
68 29 as a person with a disability as defined in section 321L.1 or
68 30 when the owner's child who is a person with a disability no
68 31 longer resides with the owner.
68 32 Sec. 119. Section 321.186, Code 2007, is amended to read
68 33 as follows:
68 34 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.
68 35 1. The department may examine every new applicant for a



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69 1 driver's license or any person holding a valid driver's
69 2 license when the department has reason to believe that the
69 3 person may be physically or mentally incompetent to operate a
69 4 motor vehicle, or whose driving record appears to the
69 5 department to justify the examination. The department shall
69 6 make every effort to accommodate a functionally illiterate
69 7 applicant when the applicant is taking a knowledge test. The
69 8 department shall make every effort to have an examiner conduct
69 9 the commercial driver's license driving skills tests at other
69 10 locations in this state where skills may be adequately tested
69 11 when requested by a person representing ten or more drivers
69 12 requiring driving skills testing.

69 13 2. The department shall make every effort to accommodate a
69 14 commercial driver's license applicant's need to arrange an
69 15 appointment for a driving skills test at an established test
69 16 site other than where the applicant passed the required
69 17 knowledge test. The department shall report to the governor
69 18 and the general assembly on any problems, extraordinary costs
69 19 and recommendations regarding the appointment scheduling
69 20 process.

69 21 3. The examination shall include a screening of the
69 22 applicant's eyesight, a test of the applicant's ability to
69 23 read and understand highway signs regulating, warning, and
69 24 directing traffic, a test of the applicant's knowledge of the
69 25 traffic laws of this state, an actual demonstration of ability
69 26 to exercise ordinary and reasonable control in the operation
69 27 of a motor vehicle and other physical and mental examinations
69 28 as the department finds necessary to determine the applicant's
69 29 fitness to operate a motor vehicle safely upon the highways.
69 30 However, an applicant for a new driver's license other than a
69 31 commercial driver's license need not pass a vision test
69 32 administered by the department if the applicant files with the
69 33 department a vision report in accordance with section 321.186A
69 34 which shows that the applicant's visual acuity level meets or
69 35 exceeds those required by the department.



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70 1 4. A physician licensed under chapter 148, ~~150, or 150A,~~
70 2 or an optometrist licensed under chapter 154, may report to
70 3 the department the identity of a person who has been diagnosed
70 4 as having a physical or mental condition which would render
70 5 the person physically or mentally incompetent to operate a
70 6 motor vehicle in a safe manner. The physician or optometrist
70 7 shall make reasonable efforts to notify the person who is the
70 8 subject of the report, in writing. The written notification
70 9 shall state the nature of the disclosure and the reason for
70 10 the disclosure. A physician or optometrist making a report
70 11 under this section shall be immune from any liability, civil
70 12 or criminal, which might otherwise be incurred or imposed as a
70 13 result of the report. A physician or optometrist has no duty
70 14 to make a report or to warn third parties with regard to any
70 15 knowledge concerning a person's mental or physical competency
70 16 to operate a motor vehicle in a safe manner. Any report
70 17 received by the department from a physician or optometrist
70 18 under this section shall be kept confidential. Information
70 19 regulated by chapter 141A shall be subject to the
70 20 confidentiality provisions and remedies of that chapter.

70 21 Sec. 120. Section 321.186A, subsection 4, Code 2007, is
70 22 amended to read as follows:

70 23 4. As used in this section, a "licensed vision specialist"
70 24 means a physician licensed under chapter 148, ~~150, or 150A,~~ or
70 25 an optometrist licensed under chapter 154.

70 26 Sec. 121. Section 321.375, subsection 1, paragraph d, Code
70 27 2007, is amended to read as follows:

70 28 d. Possess a current certificate of qualification for
70 29 operation of a commercial motor vehicle issued by a physician
70 30 licensed pursuant to chapter 148 ~~or 150A,~~ physician's
70 31 assistant, advanced registered nurse practitioner, or
70 32 chiropractor or any other person identified by federal and
70 33 state law as authorized to perform physical examinations.

70 34 Sec. 122. Section 321.445, subsection 2, paragraph e, Code
70 35 2007, is amended to read as follows:



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71 1 e. A person possessing a written certification from a
71 2 health care provider licensed under chapter 148, ~~150, 150A,~~ or
71 3 151 on a form provided by the department that the person is
71 4 unable to wear a safety belt or safety harness due to physical
71 5 or medical reasons. The certification shall specify the time
71 6 period for which the exemption applies. The time period shall
71 7 not exceed twelve months, at which time a new certification
71 8 may be issued unless the certifying health care provider is
71 9 from a United States military facility, in which case the
71 10 certificate may specify a longer period of time or a permanent
71 11 exemption.

71 12 Sec. 123. Section 321.446, subsection 3, Code 2007, is
71 13 amended to read as follows:

71 14 3. This section does not apply to peace officers acting on
71 15 official duty. This section also does not apply to the
71 16 transportation of children in 1965 model year or older
71 17 vehicles, authorized emergency vehicles, buses, or motor
71 18 homes, except when a child is transported in a motor home's
71 19 passenger seat situated directly to the driver's right. This
71 20 section does not apply to the transportation of a child who
71 21 has been certified by a physician licensed under chapter 148,
~~71 22 150, or 150A~~ as having a medical, physical, or mental
71 23 condition that prevents or makes inadvisable securing the
71 24 child in a child restraint system, safety belt, or safety
71 25 harness.

71 26 Sec. 124. Section 321L.2, subsection 1, paragraph a,
71 27 unnumbered paragraph 1, Code 2007, is amended to read as
71 28 follows:

71 29 A resident of the state with a disability desiring a
71 30 persons with disabilities parking permit shall apply to the
71 31 department upon an application form furnished by the
71 32 department providing the applicant's full legal name, address,
71 33 date of birth, and social security number or Iowa driver's
71 34 license number or Iowa nonoperator's identification card
71 35 number, and shall also provide a statement from a physician



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72 1 licensed under chapter 148, or 149, ~~150, or 150A~~, a physician
72 2 assistant licensed under chapter 148C, an advanced registered
72 3 nurse practitioner licensed under chapter 152, or a
72 4 chiropractor licensed under chapter 151, or a physician,
72 5 physician assistant, nurse practitioner, or chiropractor
72 6 licensed to practice in a contiguous state, written on the
72 7 physician's, physician assistant's, nurse practitioner's, or
72 8 chiropractor's stationery, stating the nature of the
72 9 applicant's disability and such additional information as
72 10 required by rules adopted by the department under section
72 11 321L.8. If the person is applying for a temporary persons
72 12 with disabilities parking permit, the physician's, physician
72 13 assistant's, nurse practitioner's, or chiropractor's statement
72 14 shall state the period of time during which the person is
72 15 expected to be disabled and the period of time for which the
72 16 permit should be issued, not to exceed six months.
72 17 Sec. 125. Section 509.3, subsections 5 and 6, Code 2007,
72 18 are amended to read as follows:
72 19 5. A provision shall be made available to policyholders,
72 20 under group policies covering vision care services or
72 21 procedures, for payment of necessary medical or surgical care
72 22 and treatment provided by an optometrist licensed under
72 23 chapter 154 if the care and treatment are provided within the
72 24 scope of the optometrist's license and if the policy would pay
72 25 for the care and treatment if the care and treatment were
72 26 provided by a person engaged in the practice of medicine or
72 27 surgery or osteopathic medicine and surgery as licensed under
72 28 chapter 148 ~~or 150A~~. The policy shall provide that the
72 29 policyholder may reject the coverage or provision if the
72 30 coverage or provision for services which may be provided by an
72 31 optometrist is rejected for all providers of similar vision
72 32 care services as licensed under chapter 148, ~~150A~~, or 154.
72 33 This subsection applies to group policies delivered or issued
72 34 for delivery after July 1, 1983, and to existing group
72 35 policies on their next anniversary or renewal date, or upon



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73 1 expiration of the applicable collective bargaining contract,
73 2 if any, whichever is later. This subsection does not apply to
73 3 blanket, short-term travel, accident-only, limited or
73 4 specified disease, or individual or group conversion policies,
73 5 or policies designed only for issuance to persons for coverage
73 6 under Title XVIII of the Social Security Act, or any other
73 7 similar coverage under a state or federal government plan.
73 8 6. A provision shall be made available to policyholders
73 9 under group policies covering diagnosis and treatment of human
73 10 ailments for payment or reimbursement for necessary diagnosis
73 11 or treatment provided by a chiropractor licensed under chapter
73 12 151, if the diagnosis or treatment is provided within the
73 13 scope of the chiropractor's license and if the policy would
73 14 pay or reimburse for the diagnosis or treatment by a person
73 15 licensed under chapter 148, ~~150, or 150A~~ of the human ailment,
73 16 irrespective of and disregarding variances in terminology
73 17 employed by the various licensed professions in describing the
73 18 human ailment or its diagnosis or its treatment. The policy
73 19 shall provide that the policyholder may reject the coverage or
73 20 provision if the coverage or provision for diagnosis or
73 21 treatment of a human ailment by a chiropractor is rejected for
73 22 all providers of diagnosis or treatment for similar human
73 23 ailments licensed under chapter 148, ~~150, 150A~~, or 151. A
73 24 policy of group health insurance may limit or make optional
73 25 the payment or reimbursement for lawful diagnostic or
73 26 treatment service by all licensees under chapters 148, ~~150,~~
~~73 27 150A~~, and 151 on any rational basis which is not solely
73 28 related to the license under or the practices authorized by
73 29 chapter 151 or is not dependent upon a method of
73 30 classification, categorization, or description based directly
73 31 or indirectly upon differences in terminology used by
73 32 different licensees in describing human ailments or their
73 33 diagnosis or treatment. This subsection applies to group
73 34 policies delivered or issued for delivery after July 1, 1986,
73 35 and to existing group policies on their next anniversary or



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74 1 renewal date, or upon expiration of the applicable collective
74 2 bargaining contract, if any, whichever is later. This
74 3 subsection does not apply to blanket, short-term travel,
74 4 accident-only, limited or specified disease, or individual or
74 5 group conversion policies, or policies under Title XVIII of
74 6 the Social Security Act, or any other similar coverage under a
74 7 state or federal government plan.
74 8 Sec. 126. Section 514.7, unnumbered paragraphs 2 and 3,
74 9 Code 2007, are amended to read as follows:
74 10 A provision shall be available in approved contracts with
74 11 hospital and medical service corporate subscribers under group
74 12 subscriber contracts or plans covering vision care services or
74 13 procedures, for payment of necessary medical or surgical care
74 14 and treatment provided by an optometrist licensed under
74 15 chapter 154, if the care and treatment are provided within the
74 16 scope of the optometrist's license and if the subscriber
74 17 contract would pay for the care and treatment if it were
74 18 provided by a person engaged in the practice of medicine or
74 19 surgery as licensed under chapter 148 ~~or 150A~~. The subscriber
74 20 contract shall also provide that the subscriber may reject the
74 21 coverage or provision if the coverage or provision for
74 22 services which may be provided by an optometrist is rejected
74 23 for all providers of similar vision care services as licensed
74 24 under chapter 148, ~~150A~~, or 154. This paragraph applies to
74 25 group subscriber contracts delivered after July 1, 1983, and
74 26 to group subscriber contracts on their anniversary or renewal
74 27 date, or upon the expiration of the applicable collective
74 28 bargaining contract, if any, whichever is the later. This
74 29 paragraph does not apply to contracts designed only for
74 30 issuance to subscribers eligible for coverage under Title
74 31 XVIII of the Social Security Act, or any other similar
74 32 coverage under a state or federal government plan.
74 33 A provision shall be made available in approved contracts
74 34 with hospital and medical subscribers under group subscriber
74 35 contracts or plans covering diagnosis and treatment of human



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75 1 ailments, for payment or reimbursement for necessary diagnosis
75 2 or treatment provided by a chiropractor licensed under chapter
75 3 151 if the diagnosis or treatment is provided within the scope
75 4 of the chiropractor's license and if the subscriber contract
75 5 would pay or reimburse for the diagnosis or treatment of the
75 6 human ailments, irrespective of and disregarding variances in
75 7 terminology employed by the various licensed professions in
75 8 describing the human ailments or their diagnosis or treatment,
75 9 if it were provided by a person licensed under chapter 148,
~~75 10 150, or 150A.~~ The subscriber contract shall also provide that
75 11 the subscriber may reject the coverage or provision if the
75 12 coverage or provision for diagnosis or treatment of a human
75 13 ailment by a chiropractor is rejected for all providers of
75 14 diagnosis or treatment for similar human ailments licensed
75 15 under chapter 148,~~150, 150A,~~ or 151. A group subscriber
75 16 contract may limit or make optional the payment or
75 17 reimbursement for lawful diagnostic or treatment service by
75 18 all licensees under chapters 148,~~150, 150A,~~ and 151 on any
75 19 rational basis which is not solely related to the license
75 20 under or the practices authorized by chapter 151 or is not
75 21 dependent upon a method of classification, categorization, or
75 22 description based upon differences in terminology used by
75 23 different licensees in describing human ailments or their
75 24 diagnosis or treatment. This paragraph applies to group
75 25 subscriber contracts delivered after July 1, 1986, and to
75 26 group subscriber contracts on their anniversary or renewal
75 27 date, or upon the expiration of the applicable collective
75 28 bargaining contract, if any, whichever is the later. This
75 29 paragraph does not apply to contracts designed only for
75 30 issuance to subscribers eligible for coverage under Title
75 31 XVIII of the Social Security Act, or any other similar
75 32 coverage under a state or federal government plan.
75 33 Sec. 127. Section 514.17, Code 2007, is amended to read as
75 34 follows:
75 35 514.17 PHYSICIANS AND SURGEONS, PODIATRIC PHYSICIANS, OR



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76 1 DENTISTS == NUMBER REQUIRED.

76 2 No nonprofit medical service corporation shall be permitted
76 3 to operate until it shall have entered into contracts with at
76 4 least one hundred fifty physicians and surgeons licensed to
76 5 practice medicine and surgery pursuant to chapter 148, or one
76 6 hundred fifty dentists licensed to practice dentistry pursuant
76 7 to chapter 153, or at least one hundred fifty osteopathic
76 8 physicians and surgeons licensed to practice ~~osteopathy or~~
~~76 9 osteopathy~~ osteopathic medicine and surgery pursuant to
76 10 chapter ~~150~~ 148, or at least twenty-five podiatric physicians
76 11 licensed to practice podiatry pursuant to chapter 149, who
76 12 agree to furnish medical and surgical, podiatric, or dental
76 13 service and be governed by the bylaws of the corporation.

76 14 Sec. 128. Section 514B.1, subsection 5, paragraphs b and
76 15 c, Code 2007, are amended to read as follows:

76 16 b. The health care services available to enrollees under
76 17 prepaid group plans covering vision care services or
76 18 procedures, shall include a provision for payment of necessary
76 19 medical or surgical care and treatment provided by an
76 20 optometrist licensed under chapter 154, if performed within
76 21 the scope of the optometrist's license, and the plan would pay
76 22 for the care and treatment when the care and treatment were
76 23 provided by a person engaged in the practice of medicine or
76 24 surgery as licensed under chapter 148 ~~or 150A~~. The plan shall
76 25 provide that the plan enrollees may reject the coverage for
76 26 services which may be provided by an optometrist if the
76 27 coverage is rejected for all providers of similar vision care
76 28 services as licensed under chapter 148, ~~150A~~, or 154. This
76 29 paragraph applies to services provided under plans made after
76 30 July 1, 1983, and to existing group plans on their next
76 31 anniversary or renewal date, or upon the expiration of the
76 32 applicable collective bargaining contract, if any, whichever
76 33 is the later. This paragraph does not apply to enrollees
76 34 eligible for coverage under Title XVIII of the Social Security
76 35 Act or any other similar coverage under a state or federal



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77 1 government plan.
77 2 c. The health care services available to enrollees under
77 3 prepaid group plans covering diagnosis and treatment of human
77 4 ailments, shall include a provision for payment of necessary
77 5 diagnosis or treatment provided by a chiropractor licensed
77 6 under chapter 151 if the diagnosis or treatment is provided
77 7 within the scope of the chiropractor's license and if the plan
77 8 would pay or reimburse for the diagnosis or treatment of human
77 9 ailment, irrespective of and disregarding variances in
77 10 terminology employed by the various licensed professions in
77 11 describing the human ailment or its diagnosis or its
77 12 treatment, if it were provided by a person licensed under
77 13 chapter 148, ~~150, or 150A~~. The plan shall also provide that
77 14 the plan enrollees may reject the coverage for diagnosis or
77 15 treatment of a human ailment by a chiropractor if the coverage
77 16 is rejected for all providers of diagnosis or treatment for
77 17 similar human ailments licensed under chapter 148, ~~150, 150A,~~
77 18 or 151. A prepaid group plan of health care services may
77 19 limit or make optional the payment or reimbursement for lawful
77 20 diagnostic or treatment service by all licensees under
77 21 chapters 148, ~~150, 150A,~~ and 151 on any rational basis which
77 22 is not solely related to the license under or the practices
77 23 authorized by chapter 151 or is not dependent upon a method of
77 24 classification, categorization, or description based upon
77 25 differences in terminology used by different licensees in
77 26 describing human ailments or their diagnosis or treatment.
77 27 This paragraph applies to services provided under plans made
77 28 after July 1, 1986, and to existing group plans on their next
77 29 anniversary or renewal date, or upon the expiration of the
77 30 applicable collective bargaining contract, if any, whichever
77 31 is the later. This paragraph does not apply to enrollees
77 32 eligible for coverage under Title XVIII of the Social Security
77 33 Act, or any other similar coverage under a state or federal
77 34 government plan.
77 35 Sec. 129. Section 514C.3, Code 2007, is amended to read as



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78 1 follows:

78 2 514C.3 DENTIST'S SERVICES UNDER ACCIDENT AND SICKNESS
78 3 INSURANCE POLICIES.

78 4 A policy of accident and sickness insurance issued in this
78 5 state which provides payment or reimbursement for any service
78 6 which is within the lawful scope of practice of a licensed
78 7 dentist shall provide benefits for the service whether the
78 8 service is performed by a licensed physician or a licensed
78 9 dentist. As used in this section, "licensed physician"
78 10 includes persons licensed under chapter 148, ~~150, or 150A~~ and
78 11 "policy of accident and sickness insurance" includes
78 12 individual policies or contracts issued pursuant to chapter
78 13 514, 514A, or 514B, and group policies as defined in section
78 14 509B.1, subsection 3.

78 15 Sec. 130. Section 514C.11, Code 2007, is amended to read
78 16 as follows:

78 17 514C.11 SERVICES PROVIDED BY LICENSED PHYSICIAN ASSISTANTS
78 18 AND LICENSED ADVANCED REGISTERED NURSE PRACTITIONERS.

78 19 Notwithstanding section 514C.6, a policy or contract
78 20 providing for third-party payment or prepayment of health or
78 21 medical expenses shall include a provision for the payment of
78 22 necessary medical or surgical care and treatment provided by a
78 23 physician assistant licensed pursuant to chapter 148C, or
78 24 provided by an advanced registered nurse practitioner licensed
78 25 pursuant to chapter 152 and performed within the scope of the
78 26 license of the licensed physician assistant or the licensed
78 27 advanced registered nurse practitioner if the policy or
78 28 contract would pay for the care and treatment if the care and
78 29 treatment were provided by a person engaged in the practice of
78 30 medicine and surgery or osteopathic medicine and surgery under
78 31 chapter 148 ~~or 150A~~. The policy or contract shall provide
78 32 that policyholders and subscribers under the policy or
78 33 contract may reject the coverage for services which may be
78 34 provided by a licensed physician assistant or licensed
78 35 advanced registered nurse practitioner if the coverage is



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79 1 rejected for all providers of similar services. A policy or
79 2 contract subject to this section shall not impose a practice
79 3 or supervision restriction which is inconsistent with or more
79 4 restrictive than the restriction already imposed by law. This
79 5 section applies to services provided under a policy or
79 6 contract delivered, issued for delivery, continued, or renewed
79 7 in this state on or after July 1, 1996, and to an existing
79 8 policy or contract, on the policy's or contract's anniversary
79 9 or renewal date, or upon the expiration of the applicable
79 10 collective bargaining contract, if any, whichever is later.
79 11 This section does not apply to policyholders or subscribers
79 12 eligible for coverage under Title XVIII of the federal Social
79 13 Security Act or any similar coverage under a state or federal
79 14 government plan. For the purposes of this section,
79 15 third-party payment or prepayment includes an individual or
79 16 group policy of accident or health insurance or individual or
79 17 group hospital or health care service contract issued pursuant
79 18 to chapter 509, 514, or 514A, an individual or group health
79 19 maintenance organization contract issued and regulated under
79 20 chapter 514B, an organized delivery system contract regulated
79 21 under rules adopted by the director of public health, or a
79 22 preferred provider organization contract regulated pursuant to
79 23 chapter 514F. Nothing in this section shall be interpreted to
79 24 require an individual or group health maintenance
79 25 organization, an organized delivery system, or a preferred
79 26 provider organization or arrangement to provide payment or
79 27 prepayment for services provided by a licensed physician
79 28 assistant or licensed advanced registered nurse practitioner
79 29 unless the physician assistant's supervising physician, the
79 30 physician-physician assistant team, the advanced registered
79 31 nurse practitioner, or the advanced registered nurse
79 32 practitioner's collaborating physician has entered into a
79 33 contract or other agreement to provide services with the
79 34 individual or group health maintenance organization, the
79 35 organized delivery system, or the preferred provider



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80 1 organization or arrangement.

80 2 Sec. 131. Section 514C.13, subsection 1, paragraph c, Code
80 3 2007, is amended to read as follows:

80 4 c. "Health care provider" means a hospital licensed
80 5 pursuant to chapter 135B, a person licensed under chapter 148,
80 6 148C, 149, ~~150, 150A~~, 151, or 154, or a person licensed as an
80 7 advanced registered nurse practitioner under chapter 152.

80 8 Sec. 132. Section 514C.17, subsections 1 and 2, Code 2007,
80 9 are amended to read as follows:

80 10 1. Except as provided under subsection 2 or 3, if a
80 11 carrier, as defined in section 513B.2, an organized delivery
80 12 system authorized under 1993 Iowa Acts, ch. 158, or a plan
80 13 established pursuant to chapter 509A for public employees,
80 14 terminates its contract with a participating health care
80 15 provider, a covered individual who is undergoing a specified
80 16 course of treatment for a terminal illness or a related
80 17 condition, with the recommendation of the covered individual's
80 18 treating physician licensed under chapter 148, ~~150, or 150A~~,
80 19 may continue to receive coverage for treatment received from
80 20 the covered individual's physician for the terminal illness or
80 21 a related condition, for a period of up to ninety days.

80 22 Payment for covered benefits and benefit levels shall be
80 23 according to the terms and conditions of the contract.

80 24 2. A covered person who makes a change in health plans
80 25 involuntarily may request that the new health plan cover
80 26 services of the covered person's treating physician licensed
80 27 under chapter 148, ~~150, or 150A~~, who is not a participating
80 28 health care provider under the new health plan, if the covered
80 29 person is undergoing a specified course of treatment for a
80 30 terminal illness or a related condition. Continuation of such
80 31 coverage shall continue for up to ninety days. Payment for
80 32 covered benefits and benefit levels shall be according to the
80 33 terms and conditions of the contract.

80 34 Sec. 133. Section 514C.18, subsection 1, unnumbered
80 35 paragraph 1, Code 2007, is amended to read as follows:



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81 1 Notwithstanding the uniformity of treatment requirements of
81 2 section 514C.6, a policy or contract providing for third-party
81 3 payment or prepayment of health or medical expenses shall
81 4 provide coverage benefits for the cost associated with
81 5 equipment, supplies, and self-management training and
81 6 education for the treatment of all types of diabetes mellitus
81 7 when prescribed by a physician licensed under chapter 148,
~~81 8 150, or 150A.~~ Coverage benefits shall include coverage for
81 9 the cost associated with all of the following:
81 10 Sec. 134. Section 514C.20, subsection 1, paragraphs a and
81 11 b, Code 2007, are amended to read as follows:
81 12 a. A child under five years of age upon a determination by
81 13 a licensed dentist and the child's treating physician licensed
81 14 pursuant to chapter 148, ~~150, or 150A,~~ that such child
81 15 requires necessary dental treatment in a hospital or
81 16 ambulatory surgical center due to a dental condition or a
81 17 developmental disability for which patient management in the
81 18 dental office has proved to be ineffective.
81 19 b. Any individual upon a determination by a licensed
81 20 dentist and the individual's treating physician licensed
81 21 pursuant to chapter 148, ~~150, or 150A,~~ that such individual
81 22 has one or more medical conditions that would create
81 23 significant or undue medical risk for the individual in the
81 24 course of delivery of any necessary dental treatment or
81 25 surgery if not rendered in a hospital or ambulatory surgical
81 26 center.
81 27 Sec. 135. Section 514F.1, Code Supplement 2007, is amended
81 28 to read as follows:
81 29 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.
81 30 The licensing boards under chapters 148, 149, ~~150, 150A,~~
81 31 151, and 152 shall establish utilization and cost control
81 32 review committees of licensees under the respective chapters,
81 33 selected from licensees who have practiced in Iowa for at
81 34 least the previous five years, or shall accredit and designate
81 35 other utilization and cost control organizations as



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82 1 utilization and cost control committees under this section,
82 2 for the purposes of utilization review of the appropriateness
82 3 of levels of treatment and of giving opinions as to the
82 4 reasonableness of charges for diagnostic or treatment services
82 5 of licensees. Persons governed by the various chapters of
82 6 Title XIII, subtitle 1, of the Code and self-insurers for
82 7 health care benefits to employees may utilize the services of
82 8 the utilization and cost control review committees upon the
82 9 payment of a reasonable fee for the services, to be determined
82 10 by the respective boards. The respective boards under
82 11 chapters 148, 149, ~~150, 150A~~, 151, and 152 shall adopt rules
82 12 necessary and proper for the administration of this section
82 13 pursuant to chapter 17A. It is the intent of this general
82 14 assembly that conduct of the utilization and cost control
82 15 review committees authorized under this section shall be
82 16 exempt from challenge under federal or state antitrust laws or
82 17 other similar laws in regulation of trade or commerce.

82 18 Sec. 136. Section 602.8102, subsection 33, Code Supplement
82 19 2007, is amended to read as follows:

82 20 33. Furnish to the Iowa department of public health a
82 21 certified copy of a judgment ~~suspending or revoking~~ relating
82 22 to the suspension or revocation of a professional license as
~~82 23 provided in section 147.66.~~

82 24 Sec. 137. Section 702.8, Code 2007, is amended to read as
82 25 follows:

82 26 702.8 DEATH.

82 27 "Death" means the condition determined by the following
82 28 standard: A person will be considered dead if in the
82 29 announced opinion of a physician licensed pursuant to chapter
82 30 148, ~~150, or 150A~~, a physician assistant licensed pursuant to
82 31 chapter 148C, or a registered nurse or a licensed practical
82 32 nurse licensed pursuant to chapter 152, based on ordinary
82 33 standards of medical practice, that person has experienced an
82 34 irreversible cessation of spontaneous respiratory and
82 35 circulatory functions. In the event that artificial means of



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83 1 support preclude a determination that these functions have
83 2 ceased, a person will be considered dead if in the announced
83 3 opinion of two physicians, based on ordinary standards of
83 4 medical practice, that person has experienced an irreversible
83 5 cessation of spontaneous brain functions. Death will have
83 6 occurred at the time when the relevant functions ceased.

83 7 Sec. 138. Section 702.17, Code 2007, is amended to read as
83 8 follows:

83 9 702.17 SEX ACT.

83 10 The term "sex act" or "sexual activity" means any sexual
83 11 contact between two or more persons by: penetration of the
83 12 penis into the vagina or anus; contact between the mouth and
83 13 genitalia or by contact between the genitalia of one person
83 14 and the genitalia or anus of another person; contact between
83 15 the finger or hand of one person and the genitalia or anus of
83 16 another person, except in the course of examination or
83 17 treatment by a person licensed pursuant to chapter 148, 148C,
83 18 ~~150, 150A,~~ 151, or 152; or by use of artificial sexual organs
83 19 or substitutes therefor in contact with the genitalia or anus.

83 20 Sec. 139. Section 707C.4, subsection 4, Code Supplement
83 21 2007, is amended to read as follows:

83 22 4. A person who violates this section and who is licensed
83 23 pursuant to chapter 148, ~~150, or 150A~~ is subject to revocation
83 24 of the person's license.

83 25 Sec. 140. Section 708.3A, subsection 5, paragraph d, Code
83 26 2007, is amended to read as follows:

83 27 d. "Health care provider" means an emergency medical care
83 28 provider as defined in chapter 147A or a person licensed or
83 29 registered under chapter 148, 148C, 148D, ~~150, 150A,~~ or 152
83 30 who is providing or who is attempting to provide emergency
83 31 medical services, as defined in section 147A.1, or who is
83 32 providing or who is attempting to provide health services as
83 33 defined in section 135.61 in a hospital. A person who commits
83 34 an assault under this section against a health care provider
83 35 in a hospital, or at the scene or during out-of-hospital



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84 1 patient transportation in an ambulance, is presumed to know
84 2 that the person against whom the assault is committed is a
84 3 health care provider.

84 4 EXPLANATION

84 5 DIVISION I. This bill makes many technical and substantive
84 6 changes to Iowa law relating to the licensing of
84 7 health-related professions.

84 8 Code chapter 147 establishes a general paradigm for the
84 9 operation of the health-related licensing boards. The bill
84 10 significantly amends that Code chapter to update language and
84 11 correct terms and references. Many of these changes involve
84 12 adding the names of recently created boards to the appropriate
84 13 Code sections and devolving the administrative
84 14 responsibilities for licensing from the department to the
84 15 various boards.

84 16 The bill contains amendments to Code section 147.3 allowing
84 17 licensing boards to consider any criminal conviction of an
84 18 applicant. Current law allows boards to consider only felony
84 19 convictions.

84 20 The bill contains amendments to Code section 147.14, making
84 21 several changes to required membership on several boards.

84 22 The bill amends Code section 147.21 to allow licensing
84 23 boards to disclose the criminal history or prior misconduct of
84 24 the applicant. That information is currently confidential.

84 25 Code section 147.25 currently provides for a system of
84 26 health personnel statistics within the department. The bill
84 27 devolves this responsibility to each of the individual boards.
84 28 Currently that system is detailed in the statute. The bill
84 29 eliminates most of the statutory detail.

84 30 The bill amends Code sections 147.34 through 147.43
84 31 relating to the administration of licensure examinations.
84 32 These revisions mandate that each board adopts rules detailing
84 33 the examination process and eliminates most statutory detail
84 34 relating to examinations.

84 35 The bill contains amendments to Code sections relating to



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85 1 reciprocity in licensing with other states; much statutory
85 2 detail is eliminated, giving the boards rulemaking power in
85 3 Code section 147.53 to resolve this process.

85 4 The bill repeals most of the disciplinary procedures set
85 5 out in Code sections 147.55 through 147.71. The 1978
85 6 enactment of Code chapter 272C rendered these provisions
85 7 redundant.

85 8 The bill moves the regulation of speech pathologists and
85 9 audiologists from Code chapter 147 to its own Code chapter
85 10 154F.

85 11 The bill amends Code chapter 148 by combining the licensing
85 12 of physicians and surgeons and osteopathic physicians and
85 13 surgeons into a single licensing chapter. The bill makes
85 14 corresponding Code changes.

85 15 In Code section 148.2A a pool of alternate members for the
85 16 board of medicine is created. When conducting disciplinary
85 17 hearings, board members sit as a judicial panel; at times some
85 18 members are necessarily absent or must recuse themselves from
85 19 deliberations in a particular case. This board pool would be
85 20 able to provide temporary alternative board members to
85 21 substitute in specific disciplinary hearings.

85 22 An amendment to Code section 148.7 rescinds existing
85 23 language that provides that a disciplinary hearing is open to
85 24 the public. Code section 272C.6 was enacted subsequent to
85 25 Code section 148.7 and allows a disciplinary hearing to be
85 26 open to the public at the discretion of the licensee. A
85 27 revision to Code section 148.9 eliminates current language
85 28 that allows for the reinstatement of an individual whose
85 29 license has been revoked or placed on probation.

85 30 The bill amends Code chapter 151, relating to the practice
85 31 of chiropractic, by eliminating specific requirements relating
85 32 to the prescribed course of study. The revision also limits
85 33 temporary certificates to a single year; current law allows
85 34 three years.

85 35 The bill contains a number of technical amendments to Code



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86 1 chapter 154D, relating to the licensing of marital and family
86 2 therapists and mental health counselors. Education
86 3 requirements are increased, from a master's degree with 45
86 4 credit hours to 60 credit hours, and temporary licenses are
86 5 authorized. The requirements for marital and family therapy
86 6 licensing and for mental health licensing are combined.
86 7 The bill amends Code section 155A.26, relating to the board
86 8 of pharmacy. Under this revision officers, agents,
86 9 inspectors, and representatives of the board have the status
86 10 of peace officers when enforcing Code chapters 124, 126, 155A,
86 11 and 205. The amendment details the board's powers these
86 12 officers, agents, inspectors, and representatives have in
86 13 conducting investigations.
86 14 DIVISION II. The bill contains correlating amendments that
86 15 mainly eliminate references to Code chapters 150 and 150A.
86 16 The bill also eliminates all references to the term
86 17 "osteopathy".
86 18 LSB 5430DP 82
86 19 jr/nh/5.2



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House Study Bill 678

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON WENDT)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the funding of school district programs for
- 2 returning dropouts and dropout prevention.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6417HC 82
- 5 ak/sc/8



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House Study Bill 678 continued

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1 1 Section 1. Section 257.38, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. Program plans shall identify the parts of the plan that
1 4 will be implemented first upon approval of the request. If a
1 5 district is requesting to use modified allowable growth to
1 6 finance the program, the school district shall not identify
1 7 more than ~~five~~ seven percent of its budget enrollment for the
1 8 budget year as returning dropouts and potential dropouts.

1 9 EXPLANATION

1 10 This bill allows a school district to identify up to 7
1 11 percent of the district's budget enrollment as returning
1 12 dropouts and potential dropouts when the district is
1 13 requesting to use modified allowable growth to fund a program
1 14 for returning dropouts and dropout prevention. A school
1 15 district was previously allowed to identify only 5 percent of
1 16 the district's budget enrollment as returning dropouts or
1 17 potential dropouts.

1 18 LSB 6417HC 82

1 19 ak/sc/8



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House Study Bill 679

HOUSE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for a research effort to mitigate odor emitted
- 2 from livestock operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6414YC 82
- 5 da/nh/5



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House Study Bill 679 continued

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1 1 DIVISION V
1 2 ODOR MITIGATION RESEARCH FOR LIVESTOCK OPERATIONS
1 3 Section 1. NEW SECTION. 266.40 DEFINITIONS.
1 4 For purposes of this division, the following definitions
1 5 apply:
1 6 1. "Livestock" means beef cattle, dairy cattle, swine,
1 7 chickens, or turkeys.
1 8 2. "Livestock operation" means any area in which livestock
1 9 are kept in a confined space, including a confinement feeding
1 10 operation or open feedlot.
1 11 3. "Livestock producer" means the titleholder of livestock
1 12 or a livestock operation.
1 13 4. "University" means Iowa state university of science and
1 14 technology.
1 15 Sec. 2. NEW SECTION. 266.41 ESTABLISHMENT.
1 16 Iowa state university of science and technology shall
1 17 consult with the department of agriculture and land
1 18 stewardship and the department of natural resources to
1 19 establish and administer a research effort to mitigate odor
1 20 emitted from livestock operations involving swine, beef or
1 21 dairy cattle, chickens, or turkeys as provided in this
1 22 division.
1 23 Sec. 3. NEW SECTION. 266.42 PURPOSES.
1 24 The purposes of the research effort provided in section
1 25 266.41 are to accelerate the adoption of affordable and
1 26 effective odor mitigation technologies and strategies by
1 27 livestock producers, expand the number of affordable and
1 28 effective odor mitigation technologies and strategies
1 29 available to livestock producers, and provide
1 30 research-grounded information regarding odor mitigation
1 31 technologies and strategies that are ineffective or
1 32 cost-prohibitive.
1 33 Sec. 4. NEW SECTION. 266.43 DEVELOP AND ADVANCE
1 34 TECHNOLOGIES AND STRATEGIES == APPLIED ON-SITE RESEARCH
1 35 PROJECTS.



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2 1 Iowa state university of science and technology shall
2 2 conduct applied on-site research projects to address whether
2 3 odor mitigation technologies or strategies can be successfully
2 4 implemented across many livestock operations, locations, and
2 5 situations, and to analyze the costs of their successful
2 6 implementation and maintenance to accomplish the purposes
2 7 provided in section 266.42.

2 8 1. The projects shall be conducted at livestock operations
2 9 on a statewide basis and under different circumstances.

2 10 2. The university shall evaluate technologies or
2 11 strategies that have a firm foundation in basic and applied
2 12 research but which may further benefit from statewide on-site
2 13 application. The technologies and strategies may include but
2 14 are not limited to the following:

2 15 a. The installation, maintenance, and use of odor
2 16 mitigating devices, techniques, or strategies.

2 17 b. The use of modeling to locate livestock operations.

2 18 c. The manipulation of livestock diet.

2 19 Sec. 5. NEW SECTION. 266.44 DEVELOP AND ADVANCE
2 20 TECHNOLOGIES AND STRATEGIES == BASIC AND APPLIED RESEARCH
2 21 PROJECTS.

2 22 Iowa state university of science and technology shall
2 23 conduct basic or applied research projects to develop or
2 24 advance technologies or strategies to accomplish the purposes
2 25 provided in section 266.42.

2 26 1. The university shall evaluate technologies or
2 27 strategies that have not been subject to comprehensive
2 28 scientific scrutiny but which demonstrate promise to
2 29 accomplish the purposes provided in section 266.42. The
2 30 technologies and strategies may include but are not limited to
2 31 the following:

2 32 a. The adaption and use of modeling to locate livestock
2 33 operations associated with keeping livestock other than swine,
2 34 and to locate livestock operations utilizing odor mitigation
2 35 devices, techniques, or strategies.



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3 1 b. The installation, maintenance, and use of odor
3 2 mitigating devices, techniques, or strategies.
3 3 c. The use of topical treatments applied to manure
3 4 originating with livestock operations keeping chickens and
3 5 turkeys.
3 6 2. Nothing in this section restricts the university from
3 7 conducting its evaluation at livestock operations, including
3 8 as provided in section 266.43.
3 9 Sec. 6. NEW SECTION. 266.45 EMERGING TECHNOLOGIES AND
3 10 STRATEGIES == BASIC RESEARCH PROJECTS.
3 11 Iowa state university of science and technology shall
3 12 conduct basic research projects to investigate emerging
3 13 technologies or strategies that may accomplish the purposes
3 14 provided in section 266.42.
3 15 1. The university shall evaluate technologies or
3 16 strategies that demonstrate promise for future development but
3 17 which may require a long-term research commitment.
3 18 2. Nothing in this section restricts the university from
3 19 conducting its evaluation at livestock operations, including
3 20 as provided in section 266.43.
3 21 Sec. 7. NEW SECTION. 266.46 INFORMATION REPORTING.
3 22 In accordance with section 266.42, Iowa state university of
3 23 science and technology is the custodian of all information
3 24 including but not limited to reports and records obtained,
3 25 submitted, and maintained in connection with the research
3 26 projects conducted on the site of a livestock operation as
3 27 provided in this division. The information shall be kept
3 28 confidential by the university and its agents and employees,
3 29 except as provided in section 266.47. For purposes of this
3 30 division, such information is not subject to chapter 22 and
3 31 shall not be made public upon subpoena, search warrant,
3 32 discovery proceedings, or by any other means. A person shall
3 33 not be compelled to disclose the name or address of a
3 34 livestock producer except upon written waiver by the livestock
3 35 producer participating in the research project.



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4 1 Sec. 8. NEW SECTION. 266.47 RESEARCH RESULTS == INTERIM
4 2 AND FINAL REPORTS.

4 3 Iowa state university of science and technology shall
4 4 prepare and submit reports as follows:

4 5 1. a. The university shall submit an interim report to
4 6 the general assembly each year on or before January 15,
4 7 through January 15, 2012. The interim report shall do all of
4 8 the following:

4 9 (1) Describe the university's progress in achieving the
4 10 purposes of section 266.42, and detail its efforts in carrying
4 11 out the research projects described in this division.

4 12 (2) Evaluate applied and basic research projects being
4 13 conducted or completed and provide estimates for their
4 14 completion.

4 15 (3) Make any recommendation for improving, continuing, or
4 16 expanding research and for disseminating the results of the
4 17 research to livestock producers.

4 18 b. The university shall submit a final report to the
4 19 general assembly on or before January 30, 2013. The final
4 20 report shall include a summary of efforts, the university's
4 21 findings and conclusions, and recommendations necessary to
4 22 carry out the purposes of section 266.42.

4 23 2. Nothing in this section prevents the university from
4 24 compiling information obtained, submitted, and maintained in
4 25 connection with the research projects conducted on the site of
4 26 a livestock operation as provided in this division, and
4 27 publishing that information as part of the report so long as
4 28 the information cannot be used to identify a livestock
4 29 producer or livestock operation without the consent of the
4 30 livestock producer as provided in section 266.46.

4 31 Sec. 9. NEW SECTION. 266.48 REPEAL.

4 32 This division is repealed on June 30, 2018.

4 33 EXPLANATION

4 34 This bill provides for the establishment and administration
4 35 of a research effort regarding the mitigation of odor emitted



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5 1 from livestock operations involving swine, beef or dairy
5 2 cattle, chickens, or turkeys. The research effort is to be
5 3 conducted by Iowa state university in consultation with the
5 4 department of agriculture and land stewardship and the
5 5 department of natural resources.

5 6 The purpose of the bill is to accelerate the adoption of
5 7 affordable and effective odor mitigation technologies and
5 8 strategies by livestock producers.

5 9 The bill includes three specific project classifications:
5 10 (1) on-site applied research to address whether technologies
5 11 and strategies can be successfully implemented across many
5 12 livestock operations, locations, and situations; (2) basic or
5 13 applied research to evaluate technologies or strategies that
5 14 have not been subject to comprehensive scientific scrutiny but
5 15 which demonstrate promise; and (3) basic research to
5 16 investigate emerging technologies and strategies.

5 17 The bill provides that information obtained in connection
5 18 with the research projects conducted on the site of a
5 19 livestock operation is confidential, unless confidentiality is
5 20 waived by the livestock producer.

5 21 The bill requires that Iowa state university submit annual
5 22 interim reports which describe the university's progress in
5 23 carrying out the research projects and make recommendations
5 24 for improving, continuing, or expanding research and for
5 25 disseminating the results of the research to livestock
5 26 producers. The university must submit a final report to the
5 27 general assembly by January 30, 2013.

5 28 LSB 6414YC 82
5 29 da/nh/5



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Senate File 2178 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 3128)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the annual aggregate amount of tax credits
- 2 available under the endow Iowa program and to the amount of
- 3 credits a taxpayer may receive.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 5485SV 82
- 6 tw/rj/8



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1 1 Section 1. Section 15E.305, subsection 2, Code Supplement
1 2 2007, is amended to read as follows:

1 3 2. The annual aggregate amount of tax credits authorized
1 4 pursuant to this section shall not exceed a total of ~~two~~ three
1 5 million dollars plus ~~such~~ the additional credit amount ~~as~~
~~1 6 provided by this section annually determined pursuant to~~
1 7 paragraph "c".

1 8 a. The maximum amount of tax credits granted annually to a
1 9 taxpayer shall not exceed ~~five~~ three and one-third percent of
1 10 the annual aggregate amount of tax credits authorized in this
1 11 subsection minus the additional credit amount from paragraph
1 12 "c".

1 13 b. Ten percent of the aggregate amount of tax credits
1 14 authorized in a calendar year shall be reserved for those
1 15 endowment gifts in amounts of thirty thousand dollars or less.
1 16 If by September 1 of a calendar year the entire ten percent of
1 17 the reserved tax credits is not distributed, the remaining tax
1 18 credits shall be available to any other eligible applicants.

1 19 c. For purposes of this subsection, the additional credit
1 20 amount shall be an amount for each applicable calendar year
1 21 determined by the department of revenue equal to the amount of
1 22 money credited as provided by section 99F.11, subsection 3,
1 23 paragraph "e", subparagraph (3), for the prior fiscal year.

1 24 EXPLANATION

1 25 This bill increases the annual aggregate amount of tax
1 26 credits available under the endow Iowa program from \$2 million
1 27 to \$3 million while also reducing the annual percentage amount
1 28 that can be granted to an individual taxpayer.

1 29 LSB 5485SV 82

1 30 tw/rj/8



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Senate File 2179 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3105)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making specified changes relating to professional
- 2 licensing and regulation under the purview of the banking
- 3 division of the department of commerce.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5292SV 82
- 6 rn/nh/5



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1 1 Section 1. Section 103A.10, subsection 3, Code Supplement
1 2 2007, is amended to read as follows:

1 3 3. Provisions of the state building code relating to the
1 4 manufacture and installation of factory-built structures shall
1 5 apply throughout the state. A factory-built structure
1 6 approved by the commissioner shall be deemed to comply with
1 7 all building regulations applicable to its manufacture and
1 8 installation and shall be exempt from any other state or local
1 9 building regulations. Except with respect to manufactured
1 10 homes, as defined in section 103A.51, subsection 4, a
1 11 provision of this chapter relating to the manufacture or
1 12 installation of factory-built structures shall not alter or
1 13 supersede any provision of chapter 542B concerning the
1 14 practice of professional engineering or chapter 544A
1 15 concerning the practice of architecture.

1 16 Sec. 2. Section 542.4, subsection 5, Code 2007, is amended
1 17 to read as follows:

1 18 5. a. A member of the The board shall maintain the
1 19 confidentiality of information relating to the following:
1 20 a. Criminal history or prior misconduct of the applicant.
1 21 b. (1) Information relating to the The contents of the
1 22 examination.
1 23 e. (2) Information relating to the The examination
1 24 results other than final score except for information about
1 25 the results of the examination given to the person examined.
1 26 b. A member of the board who willfully communicates or
1 27 seeks to communicate such information in a manner which
1 28 violates confidentiality requirements, and any person who
1 29 willfully requests, obtains, or seeks to obtain such
1 30 information, is guilty of a simple misdemeanor.

1 31 Sec. 3. Section 542B.32, Code 2007, is amended to read as
1 32 follows:

1 33 542B.32 DISCLOSURE OF CONFIDENTIAL INFORMATION.
1 34 1. A member of the The board shall not disclose
1 35 information relating to the following:



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2 1 ~~1. Criminal history or prior misconduct of the applicant.~~
2 2 ~~2. a. Information relating to the The contents of the~~
2 3 ~~examination.~~
2 4 ~~3. b. Information relating to the The examination results~~
2 5 ~~other than final score except for information about the~~
2 6 ~~results of an examination which is given to the person who~~
2 7 ~~took the examination.~~
2 8 2. A member of the board who willfully communicates or
2 9 seeks to communicate such information, and any person who
2 10 willfully requests, obtains, or seeks to obtain such
2 11 information, is guilty of a simple misdemeanor.
2 12 Sec. 4. Section 543B.52, Code 2007, is amended to read as
2 13 follows:
2 14 543B.52 DISCLOSURE OF CONFIDENTIAL INFORMATION.
2 15 1. ~~A member of the~~ The commission shall not disclose
2 16 information relating to the following:
2 17 ~~1. Criminal history or prior misconduct of the applicant.~~
2 18 ~~2. a. Information relating to the The contents of the~~
2 19 ~~examination.~~
2 20 ~~3. b. Information relating to the The examination results~~
2 21 ~~other than final score except for information about the~~
2 22 ~~results of an examination which is given to the person who~~
2 23 ~~took the examination.~~
2 24 2. A member of the commission who willfully communicates
2 25 or seeks to communicate such information, and any person who
2 26 willfully requests, obtains, or seeks to obtain such
2 27 information, is guilty of a simple misdemeanor.
2 28 Sec. 5. Section 543D.4, Code 2007, is amended by adding
2 29 the following new subsection:
2 30 NEW SUBSECTION. 10. The provisions of section 272C.2,
2 31 subsection 4, shall only apply to a certified real estate
2 32 appraiser or an associate real estate appraiser to the extent
2 33 consistent with the policies adopted by the appraisal
2 34 qualifications board of the appraisal foundation.
2 35 Sec. 6. Section 544A.8, unnumbered paragraph 4, Code 2007,



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3 1 is amended to read as follows:

3 2 In lieu of examination, the board may grant registration by
3 3 reciprocity. A person applying to the board for registration
3 4 by reciprocity shall furnish satisfactory evidence that the
3 5 person ~~meets both of the following requirements:~~ holds
3 6 qualifications determined by the board to be substantially
3 7 equivalent to the requirements for initial registration in
3 8 accordance with section 546.10, subsection 8.

3 9 Sec. 7. Section 544A.8, subsections 1 and 2, Code 2007,
3 10 are amended by striking the subsections.

3 11 Sec. 8. Section 544A.9, Code 2007, is amended to read as
3 12 follows:

3 13 544A.9 REGISTRATION.

3 14 When the applicant has complied with the requirements as
3 15 set forth in section 544A.8, ~~to the satisfaction of at least~~
~~3 16 four members of the board,~~ and has paid the fees prescribed by
3 17 the board, the ~~secretary~~ executive officer shall enroll the
3 18 applicant's name and address in the roster of registered
3 19 architects and issue to the applicant a certificate of
3 20 registration, signed by the officers of the board, which
3 21 certificate shall entitle the applicant to practice as an
3 22 architect in the state of Iowa.

3 23 Sec. 9. Section 544A.13, unnumbered paragraph 3, Code
3 24 2007, is amended to read as follows:

3 25 Proceedings for the revocation of a certificate shall be
3 26 initiated by filing written charges against the accused with
3 27 the board. ~~Upon the filing of charges the board may request~~
~~3 28 the department of inspections and appeals to conduct an~~
~~3 29 investigation into the charges. The department of inspections~~
~~3 30 and appeals shall report its findings to the board, and a A~~
3 31 time and place for the hearing of the charges shall be fixed
3 32 by the board if the board determines that a hearing is
3 33 warranted. If personal service or service through counsel
3 34 cannot be effected, service may be by publication. At the
3 35 hearing, the accused has the right to be represented by



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Senate File 2179 - Introduced continued

4 1 counsel, to introduce evidence, and to examine and
4 2 cross-examine witnesses. The board may subpoena witnesses,
4 3 administer oaths to witnesses, and employ counsel. ~~The board~~
4 4 ~~shall make a written report of its findings, which shall be~~
4 5 ~~filed with the secretary of state, and which is conclusive.~~

4 6 Sec. 10. Section 544A.15, subsection 1, Code 2007, is
4 7 amended to read as follows:

4 8 1. It is unlawful for a person to engage in or to offer to
4 9 engage in the practice of architecture in this state or use in
4 10 connection with the person's name the title "architect",
4 11 "registered architect", or "architectural designer", or to
4 12 imply that the person provides or offers to provide
4 13 professional architectural services, or to otherwise assume,
4 14 use, or advertise any title, word, figure, sign, card,
4 15 advertisement, or other symbol or description tending to
4 16 convey the impression that the person is an architect or is
4 17 engaged in the practice of architecture unless the person is
4 18 qualified by registration as provided in this chapter.

4 19 However, the board may by rule authorize a person to offer to
4 20 perform architectural services in this state prior to
4 21 registration in this state if the person is registered in good
4 22 standing to practice architecture in at least one other state
4 23 or jurisdiction, the person holds a certificate from a
4 24 national certification council recognized by the board, the
4 25 person makes such disclosures as the board may require by
4 26 rule, and the person becomes duly registered in this state
4 27 prior to otherwise practicing architecture in this state as
4 28 defined in section 544A.16, subsection 8.

4 29 Sec. 11. Section 544A.27, Code 2007, is amended to read as
4 30 follows:

4 31 544A.27 DISCLOSURE OF CONFIDENTIAL INFORMATION.

4 32 ~~1. A member of the~~ The board shall not disclose
4 33 information relating to the following:

4 34 ~~1. Criminal history or prior misconduct of the applicant.~~

4 35 ~~2. a. Information relating to the~~ The contents of the



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5 1 examination.
5 2 ~~3. b. Information relating to the~~ The examination results
5 3 other than final score except for information about the
5 4 results of an examination which is given to the person who
5 5 took the examination.

5 6 2. A member of the board who willfully communicates or
5 7 seeks to communicate such information, and any person who
5 8 willfully requests, obtains, or seeks to obtain such
5 9 information, is guilty of a simple misdemeanor.

5 10 Sec. 12. Section 544A.21, Code 2007, is repealed.

5 11 EXPLANATION

5 12 This bill makes several modifications, additions, and
5 13 deletions to provisions relating to the regulation of
5 14 professions registered or licensed under the purview of the
5 15 professional licensing and regulation bureau of the banking
5 16 division of the department of commerce.

5 17 The bill clarifies that an exemption from state or local
5 18 building code regulations for factory-built structures other
5 19 than manufactured homes does not extend to services rendered
5 20 by engineers licensed pursuant to Code chapter 542B or
5 21 architects registered pursuant to Code chapter 544A.

5 22 The bill removes a requirement currently applicable to
5 23 several professional licensing boards that information
5 24 regarding an applicant's criminal history or prior misconduct
5 25 be regarded as confidential in nature and subject to criminal
5 26 penalty for disclosure. This requirement is removed with
5 27 respect to the professional licensing boards regulating public
5 28 accountants, professional engineers and land surveyors, real
5 29 estate brokers and salespersons, and registered architects.

5 30 The bill provides that continuing education provisions
5 31 generally applicable to professions subject to state
5 32 regulation contained in Code section 272C.2, subsection 4,
5 33 shall apply to certified real estate appraisers or associate
5 34 real estate appraisers only to the extent consistent with
5 35 specified national standards, and modifies provisions relating



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6 1 to granting registration by reciprocity for architects to
6 2 conform to existing authority to establish such requirements
6 3 by the board by rule.
6 4 The bill additionally removes outdated language and makes
6 5 purely technical changes relating to regulation of the
6 6 practice of architecture, provides that the architectural
6 7 examining board may by rule authorize a registered architect
6 8 in another state or jurisdiction to offer to perform services
6 9 prior to registration in this state provided registration is
6 10 obtained prior to the performance of such services, and
6 11 removes provisions requiring registration by architecture
6 12 business entities and governing the practice of architecture
6 13 by such business entities.
6 14 LSB 5292SV 82
6 15 rn/nh/5



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Senate File 2180 - Introduced

SENATE FILE
 BY COMMITTEE ON ECONOMIC
 GROWTH

(SUCCESSOR TO SSB 3091)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act increasing the amount of investment tax credit for which
- 2 an eligible housing business may qualify if specified energy
- 3 efficiency standards are met, and including effective and
- 4 retroactive applicability date provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 5506SV 82
- 7 rn/sc/5



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Senate File 2180 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.193B, subsection 6, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. An eligible housing business may claim a tax credit up
1 4 to a maximum of ten percent of the new investment which is
1 5 directly related to the building or rehabilitating of a
1 6 minimum of four single-family homes located in that part of a
1 7 city or county in which there is a designated enterprise zone
1 8 or one multiple dwelling unit building containing three or
1 9 more individual dwelling units located in that part of a city
1 10 or county in which there is a designated enterprise zone.
1 11 However, the following construction or rehabilitation projects
1 12 meeting or exceeding the energy star or target finder rating
1 13 performance requirements established pursuant to a joint
1 14 program sponsored by the United States environmental
1 15 protection agency and the United States department of energy
1 16 may claim a tax credit up to a maximum of twelve percent of
1 17 the eligible new investment:
1 18 (1) Multifamily unit projects with three floors or less
1 19 above-grade that achieve the energy star label and a home
1 20 energy rating system index of eighty or better.
1 21 (2) Single-family unit projects with three floors or less
1 22 above-grade that achieve the energy star label and a home
1 23 energy rating system index of eighty or better.
1 24 (3) Projects that include both commercial space and
1 25 residential units and have more than three floors above-grade
1 26 that achieve an energy star target finder rating of
1 27 seventy-five or better.
1 28 Information documenting achievement of these ratings shall
1 29 be provided by the eligible housing business and verified by
1 30 the department.
1 31 PARAGRAPH DIVIDED. The new investment that may be used to
1 32 compute the tax credit shall not exceed the new investment
1 33 used for the first one hundred forty thousand dollars of value
1 34 for each single-family home or for each unit of a multiple
1 35 dwelling unit building containing three or more units. The



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Senate File 2180 - Introduced continued

2 1 tax credit may be used to reduce the tax liability imposed
2 2 under chapter 422, division II, III, or V, or chapter 432.
2 3 Any credit in excess of the tax liability for the tax year may
2 4 be credited to the tax liability for the following seven years
2 5 or until depleted, whichever occurs earlier. If the business
2 6 is a partnership, S corporation, limited liability company, or
2 7 estate or trust electing to have the income taxed directly to
2 8 the individual, an individual may claim the tax credit
2 9 allowed. The amount claimed by the individual shall be based
2 10 upon the pro rata share of the individual's earnings of the
2 11 partnership, S corporation, limited liability company, or
2 12 estate or trust except as allowed for under subsection 8 when
2 13 low-income housing tax credits authorized under section 42 of
2 14 the Internal Revenue Code are used to assist in the financing
2 15 of the housing development.

2 16 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
2 17 This Act, being deemed of immediate importance, takes effect
2 18 upon enactment and applies retroactively to tax years
2 19 beginning on or after January 1, 2008.

2 20 EXPLANATION

2 21 This bill provides for an increased tax credit for
2 22 enterprise zone housing projects which meet certain energy
2 23 efficiency standards. Currently, an eligible housing business
2 24 may claim a tax credit up to a maximum of 10 percent of the
2 25 business' new investment which is directly related to the
2 26 building or rehabilitating of a specified form of housing
2 27 located in a part of a city or county in which there is a
2 28 designated enterprise zone. The bill increases the tax credit
2 29 to 12 percent if a project meets specified environmental
2 30 protection agency energy star or target finder rating
2 31 performance requirements. The bill requires information
2 32 documenting achievement of the specified ratings to be
2 33 provided to the department of economic development by an
2 34 eligible housing business and verified by the department.

2 35 The bill takes effect upon enactment, and applies



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Senate File 2180 - Introduced continued

3 1 retroactively to tax years beginning on or after January 1,
3 2 2008.
3 3 LSB 5506SV 82
3 4 rn/sc/5



Iowa General Assembly
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Senate File 2181 - Introduced

SENATE FILE
BY JOHNSON

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

A BILL FOR

- 1 An Act providing for the content of ethanol in ethanol blended
- 2 gasoline.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6232XS 82
- 5 da/nh/14



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Senate File 2181 - Introduced continued

PAG LIN

1 1 Section 1. Section 214A.2, subsection 3, paragraph b,
1 2 subparagraph (2), Code 2007, is amended to read as follows:

1 3 (2) For ethanol blended gasoline other than E=85 gasoline,
1 4 the following shall apply:

1 5 (a) Except as provided in subparagraph subdivision (b) at
1 6 least ten percent of the gasoline by volume must be ethanol.

1 7 (b) At least twenty percent of the gasoline by volume must
1 8 be ethanol.

1 9 (i) This subparagraph subdivision (b) takes effect six
1 10 months after the secretary of agriculture publishes a notice
1 11 in the Iowa administrative bulletin certifying that the United
1 12 States environmental protection agency has approved the use of
1 13 ethanol blended gasoline containing at least twenty percent
1 14 ethanol by volume in this state.

1 15 (ii) Subparagraph subdivision (a), subparagraph
1 16 subdivision part (i), and this subparagraph subdivision part
1 17 (ii) are repealed six months after the secretary of
1 18 agriculture publishes its notice of certification as provided
1 19 in subparagraph subdivision part (i).

1 20 Sec. 2. SECRETARY OF AGRICULTURE == APPLICATION TO THE
1 21 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. The secretary
1 22 of agriculture shall make application to the United States
1 23 environmental protection agency to obtain approval for the use
1 24 of ethanol blended gasoline containing at least twenty percent
1 25 ethanol by volume in this state. The application shall, as
1 26 necessary, seek a waiver of relevant standards promulgated by
1 27 the agency under the federal Clean Air Act, including but not
1 28 limited to 42 U.S.C. } 7545 and 40 C.F.R. pt. 80. Within
1 29 sixty days after obtaining such approval, the secretary of
1 30 agriculture shall publish a notice in the Iowa administrative
1 31 bulletin certifying the approval as provided in section
1 32 214A.2, subsection 3, paragraph "b", subparagraph (2), as
1 33 amended by this Act. The department shall deliver a copy of
1 34 the notice to the Iowa Code editor.

1 35 EXPLANATION



Iowa General Assembly
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Senate File 2181 - Introduced continued

2 1 This bill amends Code section 214A.2, which provides
2 2 standards for motor fuel, by increasing the minimum ethanol
2 3 content of ethanol blended gasoline from 10 to 20 percent.
2 4 The increase is effective six months after the secretary of
2 5 agriculture publishes a notice in the Iowa administrative
2 6 bulletin certifying that the United States environmental
2 7 protection agency has approved the use of the increased blend.
2 8 The bill requires the secretary of agriculture to make
2 9 application to the United States environmental protection
2 10 agency to obtain approval for the use of the increased blend,
2 11 and publish notice of the approval in the Iowa administrative
2 12 bulletin.
2 13 LSB 6232XS 82
2 14 da/nh/14



Iowa General Assembly
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Senate File 2182 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

- 1 An Act relating to the certification of crane operators and
- 2 providing an effective date.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5744XS 82
- 5 ak/rj/14



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Senate File 2182 - Introduced continued

PAG LIN

1 1 Section 1. Section 88.5, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 12. CRANE OPERATOR CERTIFICATION.
1 4 a. For the purposes of this subsection:
1 5 (1) "Construction" means alteration, creation,
1 6 development, enlargement, erection, improvement, installation,
1 7 reconstruction, remodeling, and renovation.
1 8 (2) "Crane" means any of the following:
1 9 (a) Any hoisting equipment that lifts and rotates or moves
1 10 a load in excess of five tons horizontally or vertically.
1 11 (b) A tower crane that lifts and rotates or moves a load
1 12 in excess of at least two thousand five hundred pounds
1 13 horizontally or vertically.
1 14 b. An individual shall not operate a crane at a site where
1 15 construction or demolition is being performed unless the
1 16 individual possesses a crane operator certificate for the type
1 17 of crane being operated and such certification is issued by a
1 18 nationally recognized and accredited certification program.
1 19 c. An employer or a person who is contracted to perform
1 20 construction or demolition shall not permit an employee,
1 21 agent, or independent contractor to perform construction or
1 22 demolition involving a crane in violation of this section.
1 23 d. A crane operator shall renew the certification required
1 24 pursuant to this section through a nationally recognized and
1 25 accredited certification program every five years.
1 26 e. The requirements of this subsection do not apply to the
1 27 following:
1 28 (1) A crane operator trainee or apprentice, if the trainee
1 29 or apprentice is under the direct supervision of a crane
1 30 operator who possesses a crane operator certificate for the
1 31 type of crane being operated.
1 32 (2) A person who is employed by a public utility, rural
1 33 electric cooperative, or telephone company.
1 34 (3) A person engaged in boating, fishing, agriculture, or
1 35 arboriculture.



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Senate File 2182 - Introduced continued

2 1 (4) A person who is operating a crane for personal use on
2 2 premises owned or leased by that person.

2 3 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
2 4 2009.

2 5 EXPLANATION

2 6 This bill requires a crane operator to be certified to
2 7 operate the particular type of crane the crane operator uses
2 8 by a nationally recognized and accredited certification
2 9 program. The bill defines "crane" and "construction". The
2 10 bill applies to sites where construction or demolition occurs.
2 11 The bill prohibits employers or other persons from permitting
2 12 an employee, agent, or independent contractor to perform work
2 13 in violation of the bill. The crane operator is required to
2 14 renew the certification every five years.

2 15 The certification requirements do not apply to a crane
2 16 operator trainee or apprentice if the trainee or apprentice is
2 17 under the direct supervision of a crane operator who possesses
2 18 a crane operator certificate; a person who is employed by a
2 19 public utility, rural electric cooperative, or telephone
2 20 company; a person engaged in boating, fishing, agriculture, or
2 21 arboriculture; or a person who is operating a crane for
2 22 personal use on premises owned or leased by that person.

2 23 The bill is placed in Code chapter 88, the occupational
2 24 safety and health chapter, and all applicable provisions of
2 25 Code chapter 88 apply to the bill, including violation
2 26 citation and administrative and criminal enforcement
2 27 provisions. The bill takes effect January 1, 2009.

2 28 LSB 5744XS 82

2 29 ak/rj/14



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Senate File 2183 - Introduced

SENATE FILE
BY ZAUN

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the state's internet address to be displayed
- 2 on motor vehicle registration plates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5904XS 82
- 5 dea/rj/24



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Senate File 2183 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.166, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 11. Beginning with the next series of
1 4 registration plates issued after July 1, 2008, every
1 5 registration plate, other than special dealer plates, special
1 6 plates issued under section 321.34, and registration plates
1 7 issued for motorized bicycles, motorcycles, motorcycle
1 8 trailers, and trailers with an empty weight of two thousand
1 9 pounds or less, shall display the characters "www.iowa.gov".

1 10 EXPLANATION

1 11 This bill provides that the address of the state's official
1 12 internet site, represented by the characters "www.iowa.gov",
1 13 shall be displayed on all regular motor vehicle registration
1 14 plates beginning with the next series of plates issued after
1 15 July 1, 2008.

1 16 LSB 5904XS 82

1 17 dea/rj/24



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Senate File 2184 - Introduced

SENATE FILE
BY DANIELSON

(COMPANION TO HF 2044
BY BERRY)

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

A BILL FOR

- 1 An Act relating to the setting aside of a portion of child
- 2 support payments in a separate fund to be invested and
- 3 reserved for the child.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5678SS 82
- 6 pf/nh/5



Iowa General Assembly
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Senate File 2184 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.21B, subsection 1, Code Supplement
1 2 2007, is amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. bb. The guidelines prescribed by the
1 4 supreme court shall provide that fifteen percent of the child
1 5 support amount which either party is ordered to pay is set
1 6 aside in a separate fund and invested in a well-balanced
1 7 financial portfolio to be reserved for the child until the
1 8 child reaches the age of twenty-five, unless the court
1 9 determines setting aside such amount is not in the best
1 10 interest of the child.

1 11 EXPLANATION

1 12 This bill directs that the child support guidelines are to
1 13 provide that 15 percent of child support paid by either parent
1 14 is to be set aside in a separate fund and invested in a
1 15 well-balanced financial portfolio to be reserved for the child
1 16 until the child reaches age 25, unless the court determines
1 17 setting aside such amount is not in the best interest of the
1 18 child.

1 19 LSB 5678SS 82

1 20 pf/nh/5



Iowa General Assembly
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Senate File 2185 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

1 An Act concerning public employment, concerning the scope of
2 negotiations in public employment and workers' compensation
3 for civil service police officers and fire fighters.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5885SS 82
6 ec/rj/8



Iowa General Assembly
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Senate File 2185 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.9, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 The public employer and the employee organization shall
1 4 meet at reasonable times, including meetings reasonably in
1 5 advance of the public employer's budget-making process, to
1 6 negotiate in good faith with respect to wages, hours,
1 7 vacations, insurance, holidays, leaves of absence, shift
1 8 differentials, staffing levels, overtime compensation,
1 9 supplemental pay, seniority, transfer procedures, job
1 10 classifications, health and safety matters, evaluation
1 11 procedures, procedures for staff reduction, in-service
1 12 training and other matters mutually agreed upon. Negotiations
1 13 shall also include terms authorizing dues checkoff for members
1 14 of the employee organization and grievance procedures for
1 15 resolving any questions arising under the agreement, which
1 16 shall be embodied in a written agreement and signed by the
1 17 parties. If an agreement provides for dues checkoff, a
1 18 member's dues may be checked off only upon the member's
1 19 written request and the member may terminate the dues checkoff
1 20 at any time by giving thirty days' written notice. Such
1 21 obligation to negotiate in good faith does not compel either
1 22 party to agree to a proposal or make a concession.
1 23 Sec. 2. Section 85.1, subsection 6, Code Supplement 2007,
1 24 is amended to read as follows:
1 25 6. Employers may with respect to an employee or a
1 26 classification of employees exempt from coverage provided by
1 27 this chapter pursuant to subsection 1, 2, ~~or 3~~, or 4, other
1 28 than the employee or classification of employees with respect
1 29 to whom a rule of liability or a method of compensation is
1 30 established by the Congress of the United States, assume a
1 31 liability for compensation imposed upon employers by this
1 32 chapter, for the benefit of employees within the coverage of
1 33 this chapter, by the purchase of valid workers' compensation
1 34 insurance that does not specifically exclude the employee or
1 35 classification of employees. The purchase of and acceptance



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Senate File 2185 - Introduced continued

2 1 by an employer of valid workers' compensation insurance
2 2 applicable to the employee or classification of employees
2 3 constitutes an assumption by the employer of liability without
2 4 any further act on the part of the employer, but only with
2 5 respect to the employee or classification of employees as are
2 6 within the coverage of the workers' compensation insurance
2 7 contract and only for the time period in which the insurance
2 8 contract is in force. Upon an election of such coverage, the
2 9 employee or classification of employees shall accept
2 10 compensation in the manner provided by this chapter and the
2 11 employer shall be relieved from any other liability for
2 12 recovery of damage, or other compensation for injury.

2 13 EXPLANATION

2 14 Code section 20.9, concerning the scope of negotiations
2 15 under Code chapter 20 governing collective bargaining, is
2 16 amended to provide that staffing levels is a mandatory subject
2 17 of bargaining for public employment.

2 18 Code section 85.1, subsection 6, is amended to provide that
2 19 an employer can assume liability for workers' compensation
2 20 coverage of police officers and fire fighters who are entitled
2 21 to benefits under Code chapters 410 and 411.

2 22 LSB 5885SS 82

2 23 ec/rj/8



Iowa General Assembly
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Senate File 2186 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

1 An Act providing for the display of a rear registration plate and
2 a front window decal on certain low-profile motor vehicles and
3 establishing a fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5887SS 82
6 dea/nh/24



Iowa General Assembly
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Senate File 2186 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.34, subsection 1, Code Supplement
1 2 2007, is amended by adding the following new subsection:
1 3 NEW SUBSECTION. 1A. LOW=PROFILE VEHICLE DECALS. Upon
1 4 application and payment of the proper fees, the director may
1 5 issue one set of registration plates and one registration
1 6 decal to the owner of an eligible low=profile motor vehicle.
1 7 The decal may be displayed on the front window of the motor
1 8 vehicle in lieu of a registration plate on the front of the
1 9 vehicle, provided that the unused registration plate is
1 10 carried in the vehicle at all times when the vehicle is
1 11 operated on a public highway. The fee for a registration
1 12 decal is ten dollars. The department shall adopt rules
1 13 specifying by make and model the vehicles eligible for a
1 14 registration decal and providing for proper placement of the
1 15 decal.

1 16 EXPLANATION

1 17 This bill authorizes the department of transportation to
1 18 issue a registration decal along with a set of registration
1 19 plates for certain low=profile motor vehicles. The decal may
1 20 be displayed on the front window of the vehicle in lieu of the
1 21 registration plate provided for the front of the vehicle. The
1 22 unused registration plate must be carried in the vehicle at
1 23 all times when the vehicle is operated on a public highway.
1 24 Requirements for the display of a rear registration plate and
1 25 annual validation stickers are not altered by the bill.

1 26 The bill establishes a \$10 fee for a registration decal.
1 27 The department of transportation is required to adopt rules
1 28 specifying by make and model the vehicles eligible for a
1 29 registration decal and prescribing proper placement of the
1 30 decal.

1 31 LSB 5887SS 82
1 32 dea/nh/24



Iowa General Assembly
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Senate File 2187 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

1 An Act relating to the registration fee for certain motor
2 vehicles owned or used by a person with a disability or a
3 person who uses a wheelchair.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5888SS 82
6 dea/nh/14



Iowa General Assembly
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Senate File 2187 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.109, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. The annual registration fee for a ~~multipurpose motor~~
1 4 vehicle, other than a motor truck, motor home, ambulance,
1 5 hearse, motorcycle, or motorized bicycle, with permanently
1 6 installed equipment manufactured for and necessary to assist a
1 7 person with a disability who is either the owner or a member
1 8 of the owner's household in entry and exit of the vehicle or
1 9 for a ~~multipurpose~~ such a motor vehicle if the vehicle's owner
1 10 or a member of the vehicle owner's household uses a wheelchair
1 11 as the only means of mobility shall be sixty dollars. For
1 12 purposes of this paragraph, "uses a wheelchair" does not
1 13 include use of a wheelchair due to a temporary injury or
1 14 medical condition.

1 15 EXPLANATION

1 16 This bill provides an annual registration rate of \$60 for a
1 17 motor vehicle with permanently installed equipment necessary
1 18 to assist a person with a disability who is the owner of the
1 19 vehicle or a member of the owner's household to enter or exit
1 20 the vehicle. The \$60 registration fee also applies for a
1 21 vehicle if the owner or a member of the owner's household uses
1 22 a wheelchair as the person's only means of mobility. Under
1 23 the bill, the reduced fee applies only to passenger vehicles
1 24 which are otherwise subject to registration fees based on the
1 25 weight and value of the vehicle. The reduced fee does not
1 26 apply to motor trucks, motor homes, or other vehicles not
1 27 subject to the weight-and-value formula. The \$60 fee is not
1 28 subject to reduction as the vehicle ages.

1 29 Currently, this \$60 registration fee is only available for
1 30 multipurpose vehicles equipped for a person with a disability
1 31 or used by a person who relies on a wheelchair.

1 32 LSB 5888SS 82

1 33 dea/nh/14



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Senate File 2188 - Introduced

SENATE FILE

BY QUIRMBACH, DOTZLER, DANIELSON,
KIBBIE, HOGG, GRONSTAL,
COURTNEY, FRAISE, DEARDEN,
DVORSKY, SCHMITZ, BEALL,
CONNOLLY, and BOLKCOM

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing time off from work to attend presidential
- 2 precinct caucuses and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5790XS 82
- 5 ec/nh/8



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Senate File 2188 - Introduced continued

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1 1 Section 1. Section 39A.5, subsection 1, paragraph b, Code
1 2 Supplement 2007, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (4) As an employer, denying an employee
1 5 the privilege conferred by section 43.4A to attend a precinct
1 6 caucus, or subjecting an employee to a penalty because of the
1 7 exercise of that privilege.
1 8 Sec. 2. NEW SECTION. 43.4A EMPLOYEES ENTITLED TO TIME TO
1 9 PARTICIPATE IN PRESIDENTIAL PRECINCT CAUCUSES.
1 10 1. Any person entitled to participate in a precinct caucus
1 11 held as part of the presidential nominating process in this
1 12 state who is required to be present at work for an employer
1 13 during the four-hour period starting one hour prior to the
1 14 time the precinct caucus starts is entitled to take unpaid
1 15 leave for as much of that four-hour period as is necessary to
1 16 participate in the precinct caucus except as provided by this
1 17 section. Application by any employee for such absence shall
1 18 be made to the employee's employer individually and in writing
1 19 at least seventy-two hours prior to the time the precinct
1 20 caucus is scheduled to start. The employee shall not be
1 21 liable for any loss of wages or salary or any other penalty
1 22 except for the loss of wages or salary for the hours of unpaid
1 23 leave actually used.
1 24 2. a. An application for an absence by an employee may be
1 25 denied by an employer if all the following circumstances
1 26 exist:
1 27 (1) The person is employed in an emergency services
1 28 position which shall include peace officer, fire fighter,
1 29 emergency medical personnel, and any other position that
1 30 seriously affects public health or safety.
1 31 (2) The employer filed a written notice with the
1 32 commissioner at least seven days prior to the date of the
1 33 precinct caucus specifying exigent circumstances justifying
1 34 the denial of such leave for emergency services personnel and
1 35 declaring the minimum number of emergency services personnel,



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Senate File 2188 - Introduced continued

2 1 by position, needed to protect public health and safety. A
2 2 copy of this written notice shall be provided to employees of
2 3 the employer.

2 4 (3) The number of persons employed in a position that did
2 5 not apply for an absence is less than the minimum number of
2 6 persons in that position needed by the employer to protect
2 7 public health and safety.

2 8 b. If the circumstances in paragraph "a" exist as to a
2 9 particular position of the employer, then the employer may
2 10 deny the minimum number of employees applying for an absence
2 11 in that position needed to yield the minimum staffing level
2 12 for that position as specified in the written notice to the
2 13 commissioner. The selection of which employees applying for
2 14 an absence shall be denied shall be made without regard to
2 15 political party affiliation, political belief, or affiliation
2 16 with or support for any candidate, or for any of the grounds
2 17 for which employment discrimination is prohibited in this
2 18 state.

2 19 3. An employer may, in lieu of providing unpaid leave to
2 20 affected employees to attend a presidential precinct caucus,
2 21 do any of the following:

2 22 a. Authorize paid leave to all affected employees.

2 23 b. Allow all affected employees the option to work
2 24 additional compensatory hours, at a time designated by the
2 25 employer not in conflict with the time needed for caucus
2 26 participation, equal in number to the number of hours taken to
2 27 participate in the presidential precinct caucus. The option
2 28 of working compensatory hours may be exercised individually by
2 29 each employee. Work done during the compensatory hours shall
2 30 be compensated in the same manner as work during regular
2 31 hours.

2 32 EXPLANATION

2 33 This bill provides that a person shall be entitled to
2 34 unpaid time off from work to attend a presidential precinct
2 35 caucus for up to four hours beginning one hour prior to the



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Senate File 2188 - Introduced continued

3 1 start of the precinct caucus. The bill provides that the
3 2 employee shall make a written application with their employer
3 3 for such absence and the employee is not liable for any
3 4 penalty nor shall any deduction be made from the person's
3 5 regular salary or wages except for the period of time of the
3 6 absence. The bill provides that the requirement to allow time
3 7 off does not apply if the person is employed in an emergency
3 8 services position, the employer files a written notice with
3 9 the county commissioner of elections specifying the exigent
3 10 circumstances justifying the denial of such leave and the
3 11 minimum number of persons needed, by position, to protect
3 12 public health and safety, the number of persons not applying
3 13 for leave is less than the minimum number specified by the
3 14 employer, and the denial of leave for those number of persons
3 15 needed to reach the minimum staffing number specified is done
3 16 in a nondiscriminatory manner.

3 17 The bill also permits an employer to provide paid leave for
3 18 the absence or to allow affected employees the option to work
3 19 the hours of the absence at such other time so long as either
3 20 option is made available to all affected employees.

3 21 The bill provides that an employer who denies an employee
3 22 the privilege conferred by this bill to attend a presidential
3 23 precinct caucus commits election misconduct in the fourth
3 24 degree, a simple misdemeanor. A simple misdemeanor is
3 25 punishable by confinement for no more than 30 days or a fine
3 26 of at least \$65 but not more than \$625 or by both.

3 27 LSB 5790XS 82

3 28 ec/nh/8.3



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Senate Study Bill 3185

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for establishment of a mental health services
- 2 system for children and youth.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5355DP 82
- 5 jp/rj/14



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1 1 Section 1. NEW SECTION. 225C.51 DEFINITIONS.
1 2 For the purposes of this division:
1 3 1. "Child" or "children" means a person or persons under
1 4 eighteen years of age.
1 5 2. "Children's system" or "mental health services system
1 6 for children and youth" means the mental health services
1 7 system for children and youth implemented pursuant to this
1 8 division.
1 9 3. "Functional impairment" means difficulties that
1 10 substantially interfere with or limit a person from achieving
1 11 or maintaining one or more developmentally appropriate social,
1 12 behavioral, cognitive, communicative, or adaptive skills and
1 13 that substantially interfere with or limit the person's role
1 14 or functioning in family, school, or community activities.
1 15 "Functional impairment" includes difficulties of episodic,
1 16 recurrent, and continuous duration. "Functional impairment"
1 17 does not include difficulties resulting from temporary and
1 18 expected responses to stressful events in a person's
1 19 environment.
1 20 4. "Other qualifying mental health disorder" means a
1 21 mental health crisis or any diagnosable mental health disorder
1 22 that is likely to lead to mental health crisis unless there is
1 23 an intervention.
1 24 5. "Serious emotional disturbance" means a diagnosable
1 25 mental, behavioral, or emotional disorder of sufficient
1 26 duration to meet diagnostic criteria specified within the most
1 27 current diagnostic and statistical manual of mental disorders
1 28 published by the American psychiatric association that results
1 29 in a functional impairment. "Serious emotional disturbance"
1 30 does not include substance use and developmental disorders
1 31 unless such disorders co-occur with such a diagnosable mental,
1 32 behavioral, or emotional disorder.
1 33 6. "Youth" means a person eighteen years of age or older
1 34 but under twenty-two years of age who met the criteria for
1 35 having a serious emotional disturbance prior to the age of



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2 1 eighteen.

2 2 Sec. 2. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES
2 3 SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.

2 4 1. Establishing a comprehensive community-based mental
2 5 health services system for children and youth is part of
2 6 fulfilling the requirements of the division and the commission
2 7 to facilitate a comprehensive, continuous, and integrated
2 8 state mental health services plan in accordance with sections
2 9 225C.4, 225C.6, and 225C.6A, and other provisions of this
2 10 chapter. The purpose of establishing the children's system is
2 11 to improve access for children and youth with serious
2 12 emotional disturbances and youth with other qualifying mental
2 13 health disorders to mental health treatment, services, and
2 14 other support in the least restrictive setting possible so the
2 15 children and youth can live with their families and remain in
2 16 their communities. The children's system is also intended to
2 17 meet the needs of children and youth who have mental health
2 18 disorders that co-occur with substance abuse, mental
2 19 retardation, developmental disabilities, or other
2 20 disabilities. The children's system shall emphasize
2 21 community-level collaborative efforts between children and
2 22 youth and the families and the state's systems of education,
2 23 child welfare, juvenile justice, health care, substance abuse,
2 24 and mental health.

2 25 2. The goals and outcomes desired for the children's
2 26 system shall include but are not limited to all of the
2 27 following:

2 28 a. Identifying the mental health needs of children and
2 29 youth.

2 30 b. Performing comprehensive assessments of children and
2 31 youth that are designed to identify functional skills,
2 32 strengths, and services needed.

2 33 c. Providing timely access to available treatment,
2 34 services, and other support.

2 35 d. Offering information and referral services to families



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3 1 to address service needs other than mental health.
3 2 e. Improving access to needed mental health services by
3 3 allowing children and youth to be served with their families
3 4 in the community.
3 5 f. Preventing or reducing utilization of more costly,
3 6 restrictive care by reducing the unnecessary involvement of
3 7 children and youth who have mental health needs and their
3 8 families with law enforcement, the corrections system, and
3 9 detention, juvenile justice, and other legal proceedings;
3 10 reducing the involvement of children and youth with child
3 11 welfare services or state custody; and reducing the placement
3 12 of children and youth in out-of-state residential treatment
3 13 facilities or in group foster care settings.
3 14 g. Increasing the number of children and youth assessed
3 15 for functional skill levels.
3 16 h. Increasing the capacity to develop individualized,
3 17 strengths-based, and integrated treatment plans for children,
3 18 youth, and families.
3 19 i. Promoting communications with caregivers and others
3 20 about the needs of children, youth, and families engaged in
3 21 the children's system.
3 22 j. Developing the ability to aggregate data and
3 23 information, and to evaluate program, service, and system
3 24 efficacy for children, youth, and families being served on a
3 25 local and statewide basis.
3 26 k. Implementing and utilizing outcome measures that are
3 27 consistent with but not limited to the national outcomes
3 28 measures identified by the substance abuse and mental health
3 29 services administration of the United States department of
3 30 health and human services.
3 31 Sec. 3. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND
3 32 DIVISION == TRANSITION TO ADULT SYSTEM.
3 33 1. The department is the lead agency responsible for the
3 34 development, implementation, oversight, and management of the
3 35 mental health services system for children and youth in



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4 1 accordance with this chapter. The department's
4 2 responsibilities shall be fulfilled by the division.
4 3 2. The division's responsibilities relating to the
4 4 children's system include but are not limited to all of the
4 5 following:
4 6 a. Ensuring that the rules adopted for the children's
4 7 system provide that, within the limits of appropriations for
4 8 the children's system, children and youth shall not be
4 9 inappropriately denied necessary mental health services.
4 10 b. Establishing standards for the provision of home and
4 11 community-based mental health treatment, services, and other
4 12 support under the children's system.
4 13 c. Identifying and implementing eligibility criteria for
4 14 the treatment, services, and other support available under the
4 15 children's system.
4 16 d. Ongoing implementation of recommendations identified
4 17 through children's system improvement efforts.
4 18 3. An adult person who met the criteria for having a
4 19 serious emotional disturbance prior to the age of eighteen may
4 20 qualify to continue services through the adult mental health
4 21 system.
4 22 Sec. 4. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES
4 23 SYSTEM FOR CHILDREN AND YOUTH == INITIAL IMPLEMENTATION.
4 24 1. The mental health services system for children and
4 25 youth shall be initially implemented by the division
4 26 commencing with the fiscal year beginning July 1, 2008. The
4 27 division shall begin implementation by utilizing a competitive
4 28 bidding process to allocate state block grants to develop
4 29 services through existing community mental health centers and
4 30 other local service partners. The implementation shall be
4 31 limited to the extent of the appropriations provided for the
4 32 children's system.
4 33 2. In order to maximize federal financial participation in
4 34 the children's system, the division and the department's
4 35 Medicaid program staff shall analyze the feasibility of



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5 1 leveraging existing Medicaid options, such as expanding the
5 2 home and community-based services waiver for children's mental
5 3 health services, reviewing the feasibility of implementing
5 4 other Medicaid options such as the federal Tax Equity and
5 5 Financial Responsibility Act of 1982 (TEFRA) option for
5 6 children with severe mental illness or emotional disturbance
5 7 and Medicaid administrative funding, and determining the need
5 8 for service enhancements through revisions to the Medicaid
5 9 state plan and the federal state children's health insurance
5 10 program and the healthy and well kids in Iowa program.

5 11 3. Initial block grants shall support a wide range of
5 12 children, youth, and family services and initiatives including
5 13 but not limited to school-based mental health projects, system
5 14 reviews providing service gap analysis, status studies of the
5 15 mental health needs of children and youth in representative
5 16 areas of the state, and mental health assessment capacity
5 17 development based in public schools and clinical settings
5 18 using standard functional assessment tools. The purpose of
5 19 developing the assessment capacity is to determine childrens'
5 20 and youths' degree of impairment in daily functioning due to
5 21 emotional, behavioral, psychological, psychiatric, or
5 22 substance use problems.

5 23 4. The initial block grants may also support an array of
5 24 programs and services including not limited to mobile crisis
5 25 intervention services, or other support intended to prevent
5 26 more intensive or in-patient interventions, skills training,
5 27 intensive care coordination, and cognitive-behavioral and
5 28 multisystemic family therapy. In addition, support may be
5 29 provided for prevention-oriented services including mental
5 30 health consultations regarding home visits, child welfare,
5 31 juvenile justice, and maternal and child health services, and
5 32 consultation for preschool programs.

5 33 5. The division shall report regularly to the commission,
5 34 general assembly, and governor concerning the implementation
5 35 status of the children's system, including but not limited to



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6 1 an annual report submitted each January. The report may
6 2 address funding requirements and statutory amendments
6 3 necessary to further develop the children's system.
6 4 Sec. 5. EMERGENCY RULES. The mental health, mental
6 5 retardation, developmental disabilities, and brain injury
6 6 commission may adopt administrative rules under section 17A.4,
6 7 subsection 2, and section 17A.5, subsection 2, paragraph "b",
6 8 to implement the provisions of this Act and the rules shall
6 9 become effective immediately upon filing or on a later
6 10 effective date specified in the rules, unless the effective
6 11 date is delayed by the administrative rules review committee.
6 12 Any rules adopted in accordance with this section shall not
6 13 take effect before the rules are reviewed by the
6 14 administrative rules review committee. The delay authority
6 15 provided to the administrative rules review committee under
6 16 section 17A.4, subsection 6, and section 17A.8, subsection 9,
6 17 shall be applicable to a delay imposed under this section,
6 18 notwithstanding a provision in those sections making them
6 19 inapplicable to section 17A.5, subsection 2, paragraph "b".
6 20 Any rules adopted in accordance with the provisions of this
6 21 section shall also be published as a notice of intended action
6 22 as provided in section 17A.4.

6 23 EXPLANATION

6 24 This bill provides for creation of a mental health services
6 25 system for children and youth by the division of mental health
6 26 and disability services of the department of human services.
6 27 New Code section 225C.51 provides definitions of the terms
6 28 "child" or "children", "children's system" or "mental health
6 29 services system for children and youth", "functional
6 30 impairment", "other qualifying mental health disorder",
6 31 "serious emotional disturbance", and "youth". "Youth" is
6 32 defined to mean a person age 18 or older but less than age 22
6 33 who met the criteria for having a serious emotional
6 34 disturbance prior to age 18.
6 35 New Code section 225C.52 states the purpose and the goals



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7 1 and outcomes desired for the children's system. The purpose
7 2 is to improve access for children and youth with serious
7 3 emotional disturbances and youth with other qualifying mental
7 4 health disorders to mental health treatment, services, and
7 5 other support in the least restrictive setting possible so the
7 6 children and youth can live with their families and remain in
7 7 their communities.

7 8 New Code section 225C.53 outlines the role of the
7 9 department of human services as the lead agency for the
7 10 children's system and designates the division of mental health
7 11 and disability services to fulfill various responsibilities
7 12 relating to the system.

7 13 New Code section 252C.54 outlines requirements for the
7 14 initial implementation of the system in FY 2008=2009 using
7 15 competitive block grants through existing community mental
7 16 health centers and other local service providers, requiring
7 17 the department to analyze options for leveraging additional
7 18 Medicaid options, and engaging local school, child welfare,
7 19 juvenile justice, mental health, and health care
7 20 professionals. Certain services, such as school-based mental
7 21 health services and the development of mental health
7 22 assessment capacity based in public schools and clinical
7 23 settings, are required to be supported through the block
7 24 grants. The services supported may also include other
7 25 services such as mobile crisis intervention services and
7 26 prevention-oriented services.

7 27 The division is required to regularly report on the status
7 28 of the implementation to the mental health, mental
7 29 retardation, developmental disabilities, and brain injury
7 30 commission, governor, and general assembly, including an
7 31 annual report each January.

7 32 The bill includes authority for the commission to adopt
7 33 administrative rules to implement the bill using emergency
7 34 provisions that forgo public comment periods but maintain a
7 35 final review by the administrative rules review committee



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8 1 prior to adoption of the rules.
8 2 LSB 5355DP 82
8 3 jp/rj/14.2



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Senate Study Bill 3186

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to promotion of the health care workforce,
2 providing for tax credits, providing appropriations, and
3 providing effective and retroactive applicability dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5694SC 82
6 pf/rj/5



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1 1 DIVISION I
1 2 INCREASING THE AVAILABILITY OF HEALTH CARE WORKFORCE
1 3 Section 1. NEW SECTION. 135.39D DETERMINATION OF
1 4 QUALIFIED HEALTH CARE PROVIDER NEEDS == TAX CREDIT.
1 5 The department shall project, on a five-year basis, the
1 6 professions for which a qualified health care provider tax
1 7 credit may be claimed pursuant to section 422.11V. In
1 8 developing the projection, the department shall consider as a
1 9 qualified health care provider, a health care provider who is
1 10 a member of a profession for which there are fewer health care
1 11 providers than necessary to meet population needs based on
1 12 data available to the department including through any health
1 13 workforce statistics collected pursuant to section 147.25 or
1 14 other similar data collection provisions. The department
1 15 shall provide its projections to the department of revenue,
1 16 health care professional organizations, and to medical and
1 17 other health professional schools in this state.
1 18 Sec. 2. NEW SECTION. 261.23A HEALTH CARE PROFESSIONAL
1 19 RECRUITMENT PROGRAM == REVOLVING FUND.
1 20 1. A health care professional recruitment program is
1 21 established to be administered by the college student aid
1 22 commission. The program shall consist of a forgivable loan
1 23 program and a rural community loan repayment program for
1 24 health care professionals. The commission shall regularly
1 25 adjust the health care professional service requirement under
1 26 each aspect of the program to provide, to the extent possible,
1 27 an equal financial benefit for each period of service
1 28 required. From funds appropriated for purposes of the program
1 29 by the general assembly, the commission shall pay a fee to the
1 30 medical school or other health care professional school for
1 31 administration of the program. A portion of the fee shall be
1 32 paid by the commission to the medical school or other health
1 33 care professional school based upon the number of health care
1 34 professional students and health care professionals recruited
1 35 under subsections 2 and 3.



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2 1 2. a. The medical schools and other health care
2 2 professional schools in this state shall provide
2 3 recommendations to the commission for students who meet the
2 4 eligibility requirements of the forgivable loan program under
2 5 this subsection. A forgivable loan may be awarded to a
2 6 resident of Iowa who meets both of the following conditions:
2 7 (1) Is enrolled on a full-time basis at a medical school
2 8 or other health care professional school in the state.
2 9 (2) Agrees to practice the health care profession in an
2 10 underserved area in this state for a period of time to be
2 11 determined by the commission at the time the loan is awarded.
2 12 b. The loan shall be for a term set by the commission.
2 13 Interest on the loan shall begin to accrue the day following
2 14 the date on which the student graduates from the medical
2 15 school or other health care professional school or on the date
2 16 the student graduates from a residency program, whichever date
2 17 is later. If the student completes the period of practice in
2 18 the underserved area established by the commission and agreed
2 19 to by the student, the loan amount shall be forgiven. Neither
2 20 the loan amount nor the interest on the loan amount shall be
2 21 forgiven if the health care professional fails to complete the
2 22 required time period of practice in the underserved area of
2 23 this state.
2 24 3. A health care professional who graduated from a medical
2 25 school or other health care professional school in this state
2 26 shall be eligible for the rural community loan repayment
2 27 program if the health care professional agrees to practice in
2 28 an eligible rural community in this state. The medical
2 29 schools and health care professional schools shall recruit and
2 30 place health care professionals in rural communities that have
2 31 agreed to provide additional funds for the health care
2 32 professional's loan repayment. The contract for the loan
2 33 repayment shall stipulate the time period the health care
2 34 professional shall practice in an eligible rural community in
2 35 this state and shall also stipulate that the health care



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3 1 professional repay any funds paid on the health care
3 2 professional's loan by the commission if the health care
3 3 professional fails to practice in an eligible rural community
3 4 in this state for the required period of time. For purposes
3 5 of this subsection, "eligible rural community" means a rural
3 6 community in this state underserved by health care
3 7 professionals that agrees to match state funds provided on at
3 8 least a dollar-for-dollar basis for the loan repayment of a
3 9 health care professional who practices in the eligible rural
3 10 community.

3 11 4. The commission shall adopt rules pursuant to chapter
3 12 17A to administer this section.

3 13 5. A health care professional recruitment revolving fund
3 14 is created in the state treasury as a separate fund under the
3 15 control of the commission. The commission shall deposit
3 16 payments made by health care professional recruitment program
3 17 recipients and the proceeds from the sale of loans made
3 18 pursuant to subsections 2 and 3 into the health care
3 19 professional recruitment revolving fund. Moneys credited to
3 20 the fund shall be used to supplement moneys appropriated for
3 21 the health care professional recruitment program, for loan
3 22 forgiveness to eligible health care professionals, and to pay
3 23 for loan or interest repayment defaults by eligible health
3 24 care professionals. Notwithstanding section 8.33, any balance
3 25 in the fund on June 30 of any fiscal year shall not revert to
3 26 the general fund of the state. Notwithstanding section 12C.7,
3 27 subsection 2, interest or earnings on moneys in the health
3 28 care professional recruitment revolving fund shall be credited
3 29 to the fund.

3 30 Sec. 3. NEW SECTION. 422.11V QUALIFIED HEALTH CARE
3 31 PROVIDER TAX CREDIT.

3 32 1. a. The taxes imposed under this division, less the
3 33 amounts of nonrefundable credits allowed under this division,
3 34 shall be reduced by a qualified health care provider tax
3 35 credit. The amount of the credit equals twenty thousand



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Senate Study Bill 3186 continued

4 1 dollars for a taxable year.

4 2 b. For purposes of this section, "qualified health care
4 3 provider" means a health care provider specified by the
4 4 department of public health as being a member of a profession
4 5 for which there are fewer health care providers than necessary
4 6 to meet population needs.

4 7 c. If the credit provided under this section exceeds the
4 8 taxpayer's state tax liability, the excess may be carried
4 9 forward to succeeding taxable years and used as a credit
4 10 against the taxpayer's state tax liability during those
4 11 taxable years.

4 12 2. An individual may claim a qualified health care
4 13 provider tax credit allowed a partnership, limited liability
4 14 company, S corporation, estate, or trust electing to have the
4 15 income taxed directly to the individual. The amount claimed
4 16 by the individual shall be based upon the pro rata share of
4 17 the individual's earnings of the partnership, limited
4 18 liability company, S corporation, estate, or trust.

4 19 3. To receive the qualified health care provider tax
4 20 credit, a health care provider must submit an application to
4 21 the department accompanied by a certificate received from the
4 22 department of public health verifying the health care provider
4 23 as a qualified health care provider. If the taxpayer meets
4 24 the criteria for eligibility, the department shall issue to
4 25 the taxpayer a certification of entitlement for the qualified
4 26 health care provider tax credit. The certification must
4 27 contain the taxpayer's name, address, tax identification
4 28 number, the amount of the credit, and tax year for which the
4 29 certificate applies. The taxpayer shall file the tax credit
4 30 certificate with the taxpayer's tax return in order to claim
4 31 the tax credit. The department, in cooperation with the
4 32 department of public health, shall adopt rules to administer
4 33 this section.

4 34 Sec. 4. Section 422.33, Code Supplement 2007, is amended
4 35 by adding the following new subsection:



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5 1 NEW SUBSECTION. 25. The taxes imposed under this division
5 2 shall be reduced by a qualified health care provider tax
5 3 credit, provided for in section 422.11V. The tax credit shall
5 4 be subject to the same conditions, requirements, and dollar
5 5 limitations as provided for in section 422.11V.

5 6 Sec. 5. NEW SECTION. 514C.23 PAYMENT OF NEWLY
5 7 CREDENTIALLED PROVIDERS.

5 8 A carrier, as defined in section 513B.2, shall provide for
5 9 payment of newly credentialed physicians for physicians
5 10 services provided retroactively to the date the physician
5 11 applied to the carrier for credentialing.

5 12 Sec. 6. EFFECTIVE AND RETROACTIVE APPLICABILITY DATE. The
5 13 sections of this Act enacting section 422.11V and amending
5 14 section 422.33 apply retroactively to January 1, 2007, for tax
5 15 years beginning on or after that date.

5 16 DIVISION II

5 17 INCREASING AVAILABILITY OF PSYCHIATRIC SERVICES

5 18 Sec. 7. Section 125.2, Code 2007, is amended by adding the
5 19 following new subsections:

5 20 NEW SUBSECTION. 4A. "Chief primary health clinician"
5 21 means the licensed physician, licensed psychiatrist, or
5 22 psychiatric advanced registered nurse practitioner who has
5 23 been designated as the primary health clinician for a patient.

5 24 NEW SUBSECTION. 13A. "Licensed physician" means an
5 25 individual licensed under chapter 148, 150, or 150A to
5 26 practice medicine and surgery, osteopathy, or osteopathic
5 27 medicine and surgery.

5 28 NEW SUBSECTION. 13B. "Licensed psychiatrist" means an
5 29 individual licensed under chapter 148, 150, or 150A to
5 30 practice medicine and surgery with a specialty in the field of
5 31 psychiatry.

5 32 NEW SUBSECTION. 13C. "Psychiatric advanced registered
5 33 nurse practitioner" means an individual currently licensed as
5 34 a registered nurse under chapter 152 or 152E who holds a
5 35 national certification in psychiatric health care and who is



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6 1 registered with the board of nursing as an advanced registered
6 2 nurse practitioner.

6 3 Sec. 8. Section 125.86, subsection 2, Code 2007, is
6 4 amended to read as follows:

6 5 2. No more than sixty days after entry of a court order
6 6 for treatment of a respondent under section 125.84, subsection
6 7 3, and thereafter at successive intervals not to exceed ninety
6 8 days for as long as involuntary treatment continues, the
6 9 administrator of the facility or the chief primary health
6 10 clinician shall report to the court which entered the order.

6 11 The report shall be submitted in the manner required by
6 12 section 125.84, shall state whether in the opinion of the
6 13 chief medical officer or the chief primary health clinician
6 14 the respondent's condition has improved, remains unchanged, or
6 15 has deteriorated, and shall indicate the further length of
6 16 time the respondent will require treatment by the facility.

6 17 If the respondent fails or refuses to submit to treatment as
6 18 ordered by the court, the administrator of the facility or the
6 19 chief primary health clinician shall at once notify the court,

6 20 which shall order the respondent committed for treatment as
6 21 provided by section 125.84, subsection 3, unless the court
6 22 finds that the failure or refusal was with good cause, and
6 23 that the respondent is willing to receive treatment as
6 24 provided in the court's order, or in a revised order if the
6 25 court sees fit to enter one. If the administrator of the
6 26 facility or the chief primary health clinician reports to the
6 27 court that the respondent requires full-time custody, care,
6 28 and treatment in a facility, and the respondent is willing to
6 29 be admitted voluntarily to the facility for these purposes,
6 30 the court may enter an order approving the placement upon
6 31 consultation with the administrator of the facility in which
6 32 the respondent is to be placed. If the respondent is
6 33 unwilling to be admitted voluntarily to the facility, the
6 34 procedure for determining involuntary commitment, as provided
6 35 in section 125.84, subsection 3, shall be followed.



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7 1 Sec. 9. Section 229.1, Code 2007, is amended by adding the
7 2 following new subsections:

7 3 NEW SUBSECTION. 5A. "Chief primary health clinician"
7 4 means the licensed physician, licensed psychiatrist, or
7 5 psychiatric advanced registered nurse practitioner who has
7 6 been designated as the primary health clinician for a patient.

7 7 NEW SUBSECTION. 8A. "Licensed psychiatrist" means an
7 8 individual licensed under chapter 148, 150, or 150A to
7 9 practice medicine and surgery with a specialty in the field of
7 10 psychiatry.

7 11 NEW SUBSECTION. 11A. "Psychiatric advanced registered
7 12 nurse practitioner" means an individual currently licensed as
7 13 a registered nurse under chapter 152 or 152E who holds a
7 14 national certification in psychiatric health care and who is
7 15 registered with the board of nursing as an advanced registered
7 16 nurse practitioner.

7 17 Sec. 10. Section 229.15, subsection 2, Code 2007, is
7 18 amended to read as follows:

7 19 2. Not more than sixty days after the entry of a court
7 20 order for treatment of a patient pursuant to a report issued
7 21 under section 229.14, subsection 1, paragraph "c", and
7 22 thereafter at successive intervals as ordered by the court but
7 23 not to exceed ninety days so long as that court order remains
7 24 in effect, the medical director of the facility or the chief
7 25 primary health clinician treating the patient shall report to
7 26 the court which entered the order. The report shall state
7 27 whether the patient's condition has improved, remains
7 28 unchanged, or has deteriorated, and shall indicate if possible
7 29 the further length of time the patient will require treatment
7 30 by the facility. If at any time the patient without good
7 31 cause fails or refuses to submit to treatment as ordered by
7 32 the court, the medical director or the chief primary health
7 33 clinician shall at once so notify the court, which shall order
7 34 the patient hospitalized as provided by section 229.14,
7 35 subsection 2, paragraph "d", unless the court finds that the



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8 1 failure or refusal was with good cause and that the patient is
 8 2 willing to receive treatment as provided in the court's order,
 8 3 or in a revised order if the court sees fit to enter one. If
 8 4 at any time the medical director or the chief primary health
 8 5 clinician reports to the court that in the director's or
 8 6 clinician's opinion the patient requires full-time custody,
 8 7 care and treatment in a hospital, and the patient is willing
 8 8 to be admitted voluntarily to the hospital for these purposes,
 8 9 the court may enter an order approving hospitalization for
 8 10 appropriate treatment upon consultation with the chief medical
 8 11 officer of the hospital in which the patient is to be
 8 12 hospitalized. If the patient is unwilling to be admitted
 8 13 voluntarily to the hospital, the procedure for determining
 8 14 involuntary hospitalization, as set out in section 229.14,
 8 15 subsection 2, paragraph "d", shall be followed.

8 16 Sec. 11. NEW SECTION. 249A.36 ADVANCED REGISTERED NURSE
 8 17 PRACTITIONERS == REIMBURSEMENT FOR PSYCHIATRIC SERVICES.

8 18 The department shall adopt rules to provide reimbursement
 8 19 for advanced registered nurse practitioners for provision of
 8 20 psychiatric services, within the scope of practice of the
 8 21 advanced registered nurse practitioner, to medical assistance
 8 22 program recipients.

8 23 Sec. 12. PSYCHIATRIC RESIDENTS == APPROPRIATION. There is
 8 24 appropriated from the general fund of the state to the
 8 25 department of public health for distribution to hospitals in
 8 26 the state for the fiscal year beginning July 1, 2008, and
 8 27 ending June 30, 2009, the following amount or so much thereof
 8 28 as is necessary for the purpose designated:

8 29 For additional psychiatric residency positions:
 8 30 \$ 1,000,000

8 31 A hospital located in this state may apply for funding of a
 8 32 psychiatric residency position within the hospital. A person
 8 33 filling a psychiatric residency position funded under this
 8 34 section shall practice in the state for a minimum of four
 8 35 years following completion of the residency program. The



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9 1 department of public health shall adopt rules to administer
9 2 the psychiatric residency position program. The rules shall
9 3 provide that a person filling a psychiatric residency position
9 4 who does not practice in the state for a minimum of four years
9 5 shall repay any funds paid on behalf of the person for the
9 6 psychiatric residency position.

9 7 DIVISION III

9 8 PROMOTING TELEMEDICINE

9 9 Sec. 13. NEW SECTION. 249A.37 MEDICAL ASSISTANCE
9 10 PARTICIPATING PROVIDERS == REIMBURSEMENT FOR TELEMEDICINE.

9 11 The department shall adopt rules to provide reimbursement
9 12 for participating providers under the medical assistance
9 13 program for utilization of telemedicine. The reimbursement
9 14 shall also extend to participating providers outside of the
9 15 state who utilize telemedicine to provide covered services to
9 16 medical assistance recipients who are residents of this state.

9 17 Sec. 14. Section 249J.6, subsection 1, Code 2007, is
9 18 amended to read as follows:

9 19 1. ~~Beginning July 1, 2005, the~~ The expansion population
9 20 shall be eligible for all of the following expansion
9 21 population services:

9 22 a. Inpatient hospital procedures described in the
9 23 diagnostic related group codes or other applicable inpatient
9 24 hospital reimbursement methods designated by the department.

9 25 b. Outpatient hospital services described in the
9 26 ambulatory patient groupings or non-inpatient services
9 27 designated by the department.

9 28 c. Physician and advanced registered nurse practitioner
9 29 services described in the current procedural terminology codes
9 30 specified by the department.

9 31 d. Dental services described in the dental codes specified
9 32 by the department.

9 33 e. Limited pharmacy benefits provided by an expansion
9 34 population provider network hospital pharmacy and solely
9 35 related to an appropriately billed expansion population



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10 1 service.

10 2 f. Transportation to and from an expansion population
10 3 provider network provider only if the provider offers such
10 4 transportation services or the transportation is provided by a
10 5 volunteer.

10 6 g. Telemedicine services provided by providers included in
10 7 the expansion population provider network and including
10 8 providers who consult with providers included in the expansion
10 9 population provider network, whether from within or outside of
10 10 the state, utilizing telemedicine.

10 11 Sec. 15. Section 514I.5, subsection 8, paragraph e, Code
10 12 Supplement 2007, is amended by adding the following new
10 13 subparagraph:

10 14 NEW SUBPARAGRAPH. (15) Telemedicine services including
10 15 those provided to eligible children by providers outside of
10 16 the state.

10 17 Sec. 16. FEDERAL APPROVAL. The department of human
10 18 services shall amend any state plan or request any waiver
10 19 necessary to implement the provisions of this division
10 20 relating to providers under the medical assistance, IowaCare,
10 21 or hawk=i programs to be reimbursed for telemedicine services.

10 22 DIVISION IV

10 23 INCREASING COMPENSATION FOR DIRECT CARE WORKERS

10 24 Sec. 17. NEW SECTION. 249A.38 REIMBURSEMENT INCREASE ==
10 25 DIRECT CARE WORKERS.

10 26 Beginning July 1, 2008, seventy=five percent of any
10 27 increase in the reimbursement rate for nursing facilities
10 28 under the medical assistance program shall be used for
10 29 increases in compensation=related costs for employees
10 30 providing direct care in the nursing facilities. Information
10 31 relating to these increases in compensation=related costs
10 32 shall be included in the cost reports submitted to the
10 33 department. For the purposes of this requirement, employees
10 34 providing direct care do not include the administrator,
10 35 persons employed in the central office of a corporation that



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11 1 has an ownership interest in the nursing facility or exercises
11 2 control over the nursing facility, or persons paid by the
11 3 nursing facility under a management contract.

11 4 DIVISION V

11 5 CREDENTIALING THE LONG-TERM CARE WORKFORCE

11 6 Sec. 18. DIRECT CARE WORKER ADVISORY COUNCIL == DUTIES ==
11 7 REPORT.

11 8 1. As used in this section, unless the context otherwise
11 9 requires:

11 10 a. "Assistance with instrumental activities of daily
11 11 living" means assistance with activities beyond basic needs
11 12 that assist a consumer in functioning independently within the
11 13 community. Such services may include but are not limited to
11 14 food preparation and nutrition, home management, financial
11 15 management, and infection control, but require no physical
11 16 contact between the direct care worker and the consumer.

11 17 b. "Assistance with personal care activities of daily
11 18 living" means care provided to support a consumer in meeting
11 19 the consumer's basic needs while acknowledging personal
11 20 choices and encouraging independence, and generally involves
11 21 physical contact between a direct care worker and a consumer.
11 22 Such services include but are not limited to assistance with
11 23 eating and feeding, bathing, skin care, grooming, and mobility
11 24 assistance.

11 25 c. "Department" means the department of public health.

11 26 d. "Direct care" means environmental or chore services,
11 27 health monitoring and maintenance, assistance with
11 28 instrumental activities of daily living, assistance with
11 29 personal care activities of daily living, personal care
11 30 support, or specialty services.

11 31 e. "Direct care worker" means an individual who directly
11 32 provides or assists a consumer in the care of the consumer by
11 33 providing direct care in a variety of settings which may or
11 34 may not require oversight of the direct care worker, depending
11 35 upon the setting. "Direct care worker" does not include a



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12 1 nurse, case manager, or social worker.
12 2 f. "Director" means the director of public health.
12 3 g. "Environmental or chore services" means services
12 4 provided both inside and outside of a consumer's home that are
12 5 designed to assist a consumer in living independently in the
12 6 community and which require no physical contact between the
12 7 direct care worker and the consumer, and which require no
12 8 special education or training beyond task-specific
12 9 orientation. Such services may include but are not limited to
12 10 heavy household cleaning, lawn care, and home maintenance.
12 11 h. "Health monitoring and maintenance" means medically
12 12 oriented care that assists a consumer in maintaining the
12 13 consumer's health on a daily basis and which generally
12 14 requires physical contact between a direct care worker and a
12 15 consumer. Such services may include but are not limited to
12 16 checking of vital signs, collecting specimens or samples, and
12 17 assisting with range of motion exercises.
12 18 i. "Personal care support" means support provided to a
12 19 consumer as the consumer performs personal and instrumental
12 20 activities of daily living which require no physical contact
12 21 between the direct care worker and the consumer. Such support
12 22 includes testing and training, observation, recording,
12 23 documenting, coaching, and supervising.
12 24 j. "Specialty skill services" means services that require
12 25 the care of a direct care worker with additional education and
12 26 training, and generally requires physical contact between a
12 27 direct care worker and a consumer. Such services include
12 28 dementia or Alzheimer's care, psychiatric care, monitoring and
12 29 administration of medications, collecting specimens or
12 30 samples, giving shots, hospice and palliative care, protective
12 31 services, restorative and strengthening exercises, and
12 32 mentoring.
12 33 2. A direct care worker advisory council shall be
12 34 appointed by the director and shall include representatives of
12 35 direct care workers, consumers of direct care services,



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13 1 educators of direct care workers, other health professionals,
13 2 employers of direct care workers, and appropriate state
13 3 agencies.

13 4 3. Membership, terms of office, quorum, and expenses shall
13 5 be determined by the director pursuant to chapter 135.

13 6 4. The direct care worker advisory council shall advise
13 7 the director regarding regulation and certification of direct
13 8 care workers and shall develop recommendations regarding all
13 9 of the following:

13 10 a. Direct care worker classifications based on functions
13 11 and services provided by direct care workers. The
13 12 classifications shall include those based on environmental and
13 13 chore services, assistance with instrumental activities of
13 14 daily living, personal care support, assistance with personal
13 15 care activities of daily living, health monitoring and
13 16 maintenance, and specialty skills.

13 17 b. Functions for each direct care worker classification
13 18 based upon categories of core competencies.

13 19 c. An education and training orientation to be provided by
13 20 employers which addresses the components of confidentiality;
13 21 ethics and legal requirements; consumer and worker rights;
13 22 person-directed and consumer-centered care; cultural
13 23 competency; growth, development, and disability specific
13 24 competency; observation, referral, and reporting;
13 25 communication and interpersonal skills; problem solving;
13 26 safety and emergency procedures; infection control and
13 27 occupational safety and health administration guidelines; and
13 28 professional education and training.

13 29 d. Education and training requirements for each of the
13 30 direct care worker classifications.

13 31 e. The standard curriculum required in training of direct
13 32 care workers for each of the direct care worker
13 33 classifications, based on training required for the duties
13 34 specified and related core competencies. The curriculum shall
13 35 be standard notwithstanding the entity offering the



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14 1 curriculum, and shall meet or exceed federal or state
14 2 requirements. The curriculum shall include a requirement that
14 3 any direct care worker who will be assisting with prescribed
14 4 medications complete a medication aide course.

14 5 f. Education and training equivalency standards for
14 6 individuals who have completed higher education in a health
14 7 care profession based on core competencies for each direct
14 8 care worker classification and in correlation with specific
14 9 institutional curricula in health care professions. The
14 10 standards shall provide that those meeting the equivalency
14 11 standards may take any prescribed examination for the
14 12 appropriate direct care worker classification.

14 13 g. Guidelines that allow individuals who are members of
14 14 the direct care workforce prior to the date of required
14 15 certification to be incorporated into the new regulatory
14 16 system based on education, training, current certifications,
14 17 or demonstration of core competencies.

14 18 h. Continuing education requirements and standards to
14 19 ensure that direct care workers remain competent and adapt to
14 20 the changing needs of the direct care workforce, employers,
14 21 and consumers. The requirements and standards shall meet or
14 22 exceed federal or state continuing education requirements for
14 23 the applicable direct care worker classification existing
14 24 prior to the date of required certification.

14 25 i. Standards to ensure that direct care worker educators
14 26 and trainers retain a level of competency and adapt to the
14 27 changing needs of the direct care workforce, employers, and
14 28 consumers. The standards shall meet or exceed federal or
14 29 state continuing education requirements existing prior to the
14 30 date of required certification.

14 31 j. Certification requirements for each classification of
14 32 direct care worker.

14 33 k. Protections for the title "certified direct care
14 34 worker".

14 35 l. (1) Standardized requirements across care settings for



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15 1 supervision, if applicable, for each classification of direct
15 2 care worker based on the functions being performed.

15 3 (2) The roles and responsibilities of direct care worker
15 4 supervisory positions which shall meet or exceed federal and
15 5 state requirements existing prior to the date of required
15 6 certification.

15 7 m. Required responsibility for maintenance of
15 8 credentialing and continuing education and training by
15 9 individual direct care workers rather than employers.

15 10 n. Provision of information to income maintenance workers
15 11 and case managers under the purview of the department of human
15 12 services about the education and training requirements for
15 13 direct care workers to provide the care and services to meet a
15 14 consumer's needs under the home and community-based services
15 15 waiver options under the medical assistance program.

15 16 5. The direct care worker advisory council shall report
15 17 its recommendations to the director by November 30, 2008,
15 18 including recommendations for any changes in law or rules
15 19 necessary to implement certification of direct care workers
15 20 beginning July 1, 2009.

15 21 EXPLANATION

15 22 This bill relates to promotion of the health care
15 23 workforce.

15 24 INCREASING THE AVAILABILITY OF THE HEALTH CARE WORKFORCE.
15 25 Division I of the bill establishes a health care professional
15 26 recruitment program and revolving fund. The bill provides
15 27 that the health care professional recruitment program shall be
15 28 administered by the college student aid commission, and
15 29 consist of a loan forgiveness program for students who agree
15 30 to practice in underserved areas upon graduation and a rural
15 31 community loan repayment program for health care professionals
15 32 who agree to serve in eligible rural communities. An eligible
15 33 rural community is a rural community underserved by health
15 34 care professionals that agrees to match state funds provided
15 35 for the health care professional's loans on at least a



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16 1 \$1-for-\$1 basis. From funds appropriated for the program by
16 2 the general assembly, the commission must pay a fee to the
16 3 medical school or other health professional school for
16 4 administration of the program based upon the number of health
16 5 care professional students and health care professionals
16 6 recruited. Students are eligible for the loan forgiveness
16 7 program if they are residents of Iowa, are enrolled on a
16 8 full-time basis at a medical or other health care professional
16 9 school, and agree to practice in an area underserved by a
16 10 health care professional for a period of time to be determined
16 11 by the commission at the time the loan is awarded. A health
16 12 care professional who graduated from a medical or other health
16 13 care professional school in the state is eligible for the
16 14 rural community loan repayment program if the health care
16 15 professional agrees to practice in an eligible rural community
16 16 in this state for a time agreed to by the health care
16 17 professional and the commission. The health care professional
16 18 recruitment revolving fund is created in the state treasury as
16 19 a separate fund under the control of the commission. Moneys
16 20 in the fund derive from payments made by health care
16 21 recruitment program recipients and the proceeds from the sale
16 22 of loans. Moneys in the fund must be used to supplement
16 23 moneys appropriated for the health care professional
16 24 recruitment program, for loan forgiveness to eligible health
16 25 care professionals, and to pay for loan or interest repayment
16 26 defaults by eligible health care professionals. Moneys in the
16 27 fund do not revert to the general fund, and interest or
16 28 earnings on moneys in the fund are credited to the fund.
16 29 Division I of the bill provides for a qualified health care
16 30 provider tax credit under the individual and corporate income
16 31 tax and applies retroactively to January 1, 2007, for tax
16 32 years beginning on or after that date. The qualified health
16 33 care provider tax credit is available to health care providers
16 34 for which the department of public health determines, on a
16 35 five-year projection basis, there is an insufficient number



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17 1 necessary to meet population needs. The amount of the tax
17 2 credit equals \$20,000 per tax year.

17 3 Division I of the bill directs insurance carriers to
17 4 provide for payment of newly credentialed physicians for
17 5 services provided retroactively to the date the physician
17 6 applied to the carrier for credentialing.

17 7 INCREASING THE AVAILABILITY OF PSYCHIATRIC SERVICES.

17 8 Division II of the bill authorizes a chief primary health
17 9 clinician to file certain periodic court reports on chronic
17 10 substance abusers and persons with mental illness who do not
17 11 require full-time placement in a treatment facility.

17 12 The division provides that no more than 60 days after entry
17 13 of a court order for treatment of a respondent who is either a
17 14 chronic substance abuser or who is mentally ill who does not
17 15 require full-time placement in a treatment facility and
17 16 thereafter at successive intervals not to exceed 90 days for
17 17 as long as the involuntary treatment continues, the chief
17 18 primary health clinician shall have the authority, along with
17 19 the administrator of the treatment facility or the chief
17 20 medical officer of the treatment facility, to report to the
17 21 court which entered the order and shall state whether in the
17 22 opinion of the chief primary health clinician the respondent's
17 23 condition has improved, remains unchanged, or has
17 24 deteriorated, and shall indicate the further length of time
17 25 the respondent will require treatment by the facility. If the
17 26 respondent fails or refuses to submit to treatment as ordered
17 27 by the court, the chief primary health clinician shall notify
17 28 the court, which shall order the respondent committed for
17 29 treatment unless the court finds that the failure or refusal
17 30 was with good cause, and that the respondent is willing to
17 31 receive treatment as provided in the court's order, or in a
17 32 revised order if the court sees fit to enter one. If the
17 33 chief primary health clinician reports to the court that the
17 34 respondent requires full-time custody, care, and treatment in
17 35 a facility, and the respondent is willing to be admitted



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18 1 voluntarily to the facility for these purposes, the court may
18 2 enter an order approving the placement upon consultation with
18 3 the administrator of the facility in which the respondent is
18 4 to be placed.

18 5 The division defines "chief primary health clinician" as
18 6 the licensed physician, licensed psychiatrist, or psychiatric
18 7 advanced registered nurse practitioner who has been designated
18 8 as the primary health clinician for a patient. "Licensed
18 9 physician" is defined as an individual licensed under Code
18 10 chapter 148, 150, or 150A to practice medicine and surgery,
18 11 osteopathy, or osteopathic medicine and surgery, "licensed
18 12 psychiatrist" is defined as an individual licensed under Code
18 13 chapter 148, 150, or 150A to practice medicine and surgery
18 14 with a specialty in the field of psychiatry, and "psychiatric
18 15 advanced registered nurse practitioner" is defined as an
18 16 individual currently licensed as a registered nurse under Code
18 17 chapter 152 or 152E who holds a national certification in
18 18 psychiatric health care and who is registered with the board
18 19 of nursing as an advanced registered nurse practitioner.

18 20 Division II of the bill directs the department of human
18 21 services to adopt rules to provide reimbursement for advanced
18 22 registered nurse practitioners for provision of psychiatric
18 23 services, within the scope of practice of the advanced
18 24 registered nurse practitioner, to a medical assistance
18 25 recipient.

18 26 Division II of the bill also appropriates \$1 million to the
18 27 department of public health for additional psychiatric
18 28 residency positions and provides that hospitals may apply for
18 29 funding of a psychiatric residency position in the hospital.
18 30 A person filling the position must practice in the state for a
18 31 minimum of four years following completion of the residency
18 32 program.

18 33 PROMOTING TELEMEDICINE. Division III of the bill directs
18 34 the department of human services to adopt rules to provide for
18 35 reimbursement for participating providers under the medical



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19 1 assistance program for utilization of telemedicine, and
19 2 includes participating providers outside of the state who
19 3 provide services to recipients of medical assistance within
19 4 the state. The bill also provides for reimbursement of
19 5 telemedicine services under the IowaCare and hawk=i programs.
19 6 The bill directs the department of human services to amend the
19 7 medical assistance state plan or request any waiver necessary
19 8 to provide these reimbursements.
19 9 INCREASING COMPENSATION OF DIRECT CARE WORKERS. Division
19 10 IV of the bill provides that of any increased reimbursement to
19 11 nursing facilities under the medical assistance program, 75
19 12 percent is to be used to increase compensation-related costs
19 13 of employees providing direct care. Employees providing
19 14 direct care do not include the administrator, persons employed
19 15 in the central office of a corporation that has an ownership
19 16 interest in the nursing facility or exercises control over the
19 17 nursing facility, or persons paid by the nursing facility
19 18 under a management contract.
19 19 CREDENTIALING DIRECT CARE WORKERS. Division V of the bill
19 20 establishes a direct care worker advisory council to develop
19 21 recommendations for the credentialing of direct care workers.
19 22 The advisory council is to report its recommendations to the
19 23 director of public health by November 30, 2008, including
19 24 recommendations for changes in law and rules to provide for
19 25 certification of direct care workers beginning July 1, 2009.
19 26 LSB 5694SC 82
19 27 pf/rj/5