



HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 2464
Committee: Human Resources/Ways and Means
Floor Manager: Representatives Ron Jorgensen/Betty DeBoef
Date: May 3, 2012
Staff: Brad Trow (1-3471)

Department of Public Health Policy Amendments

House File 2464 is the annual policy update for the Department of Public Health and the various professional licensing boards it has responsibility for.

Summary of Action

Human Resources Committee Action – The House Human Resources Committee **PASSED** House File 2464 on a vote of 16-5 on February 22, 2012.

Ways and Means Committee Action – The House Ways and Means Committee **PASSED** House File 2464 on a vote of 23-2 on April 4, 2012.

House Action – The House **PASSED** House File 2464 on a vote of 94-5 on April 10, 2012.

Senate Action – The Senate **PASSED** House File 2464 on a vote of 49-0 on April 23, 2012.

Final Action – The Governor **SIGNED** House File 2464 on May 2, 2012.

Section by Section Analysis

DIVISION I – NURSING HOME ADMINISTRATORS

Section 1 – The section amends Iowa Code section 155.1, to strike the words “and as used herein”

Section 2 – The section amends Iowa Code section 155.3 (2-3) by updating the language for the Board of Nursing Home Administrators in licensing administrators. The section also changes the examination language so it is consistent with chapter 147, which is the general licensure chapter for the Department of Public Health.

Section 3 – The section amends Iowa Code section 155.4 by updating the Code language for the Board’s authority to license administrators.

Section 4 – The section amends Iowa Code section 155.5, dealing with license fees, to have the Board determine the length of license renewals and the renewal fee. This is consistent with the language in other licensing board chapters and chapter 147.

Section 5 – The section amends Iowa Code section 155.9 – the Duties of the Board – by striking most of the existing language and instead state that the Boards duties are as set by chapters 147 and 272C. The section also provides the Board with authority to issue provisional licenses to administrators appointed on a temporary basis.

Section 6 – The section amends Iowa Code section 155.10 by striking the existing section on renewal of licenses and replacing it with a section on continuing education. The requirements for continuing education would be set by the Board.

Section 7 – The section amends Iowa Code section 155.14 to give the Board authority to set the requirements for an application for licensure as a nursing home administrator or renewal of a license.

Section 8 – The section creates a new Code section -155.19 – that would allow a licensee to voluntarily surrender their license. A voluntary surrender would have the same effect as having a license revoked by the Board.

Section 9 – **REPEAL** – The section repeals Iowa Code sections 155.2, 155.15, and 155.16.

DIVISION II – HEARING AID DISPENSERS

Section 10 – The section amends Iowa Code section 154A.7, by striking the language stating that the Board of Hearing Aid Dispensers shall be paid actual expenses for serving on the board, and that a majority of the Board constitutes a quorum. These matters are handled in Iowa Code chapter 147.

Section 11 – The section amends Iowa Code section 154A.10, by striking an outdated applicability date and strikes the reference to section 154A.17 as the authority to set fees. Authority for fees is set by chapter 147.

Section 12 – The section amends Iowa Code section 154.12, by striking the requirement for written tests for licensure. Instead, the new language calls for evidence of knowledge.

Section 13 – The section amends Iowa Code section 154A.13 by striking outdated language regarding temporary permits, and provides the Board has authority to issue these under chapter 147.

Section 14 – The section amends Iowa Code section 154A.23, by striking the language complaints and replacing with it with a requirement that the Board forward any final disciplinary action to the Attorney General’s office for potential legal action.

Section 15 – **REPEAL** – The section repeals Iowa Code sections 154A.2-6, 8-9, 11, and 14-18.

DIVISION III – LOCAL BOARDS OF HEALTH

Section 16 – The section strikes Iowa Code section 135.1 (6), which is the definition of “Sanitation Officer”.

Section 17 – The section amends Iowa Code section 137.112 by adding a subsection 4 to the provisions dealing with a District Public Health Fund and budget, by clarifying that the section does not apply to a district board or district health department existing prior to July 1, 2010.

Section 18 – The section amends Iowa Code section 331.502 by striking subsection 8, which requires the County Auditor to submit to DPH the names and addresses of the clerk or secretary of the local board of health.

Section 19 – **REPEAL** – The section repeals Iowa Code section 135.32, requiring the Department of Public Health to public certain rule documents and distribute them to the local boards of health.

Section 20 – **EFFECTIVE UPON ENACTMENT** – The section makes section 17 of the bill effective upon the Governor’s signature.

Section 21 – **RETROACTIVE APPLICABILITY** – The section makes section 17 of the bill effective back to July 1, 2010.

DIVISION IV - FEDERAL GRANTS REPORTING

Section 22 - The section creates a new subsection in Iowa Code section 135.11 – Duties of the Department of Public Health – requiring the Department to report within 60 days of applying for a federal grant with a value of at least \$100,000. The report shall be made to the chairs and ranking members of the Health and Human Services Appropriations subcommittee, Legislative Services Agency, legislative caucus staffs, and the Department of Management. Included in the report shall be the source of the funding and the potential need for state funding to match funds or continue the grant in the future.

DIVISION V – HIV CONFIDENTIALITY

Section 23 – The section amends Iowa Code section 141A.9 by adding a new subsection 8, which would allow for medical information secured as part of the HIV reporting law to be shared employees of the Department, local government, and agencies of the federal government or other states. The information would have to be related to disease surveillance, HIV prevention, or providing care for those with HIV. The language is consistent with similar provisions related to other reportable diseases.

DIVISION VI – REPEAL OF REPORTING REQUIREMENTS

Section 24 – The section repeals Iowa Code section 135.165, which requires hospitals and nursing homes to provide the IRS 990 form to the Department and the Legislative Services Agency.

DIVISION VII – RADIOLOGICAL HEALTH

Section 25 – The section amends Iowa Code section 136C.3 (5), to add that the Department of Public Health has the authority to issue orders related to the licensing and registration of radiation machines, radioactive materials, and the operators or users of these items.

Section 26 –The section amends Iowa Code section 136C.8, by no longer requiring the Department to inspect all radiation machines and radioactive materials in the state, but makes it an option. The section also revises what occurs during an inspection.

Section 27 – The section amends Iowa Code section 136C.14 (2) by no longer requiring that a person operating a radiation machine display their credentials to operate it , but must makes these available upon request.

Section 28 – The section amends Iowa Code section 136D.2 (4-5) by updating the definitions for “tanning device” and “tanning facility”.

Section 29 – The section strikes Iowa Code section 136D.8 (2), which makes operating a tanning machine in violation of chapter 136D or its administrative rules guilty of a simple misdemeanor.

Section 30 – The section creates Iowa Code section 136D.9, which provides penalties for improper operation of a tanning device. The section allows the Department to impose a civil penalty of up to \$1000 for violating chapter 136D or the rules established under it. A registration certificate issued under chapter 136D could also be revoked. Each day of non-compliance is considered a separate offense, with the maximum fine being \$5000.

The section requires the Department to notify the party of the intent to impose the civil penalty, and is required to establish a notification procedure which will include the opportunity for the party to respond in writing. The section also gives the Department the power to reduce the penalty, and a civil penalty is appealable under chapter 17A. Any funds collected from the civil penalty shall be deposited in the General Fund.

DIVISION VIII – PHARMACY RESEARCH PROJECTS

Section 31 – The section corrects language implemented in last year’s DPH policy bill regarding pilot or demonstration research projects for pharmacy services. The section adds another Code citation to the provisions that are notwithstanding to allow the tech-check-tech pilot program to proceed.