

Text: [SF2094](#)
[Complete Bill History](#)

Text: [SF2096](#)

Senate File 2095

PAG LIN

1 1 Section 1. IOWA HEALTH FREEDOM ACT == LEGISLATIVE
1 2 FINDINGS.

1 3 1. SHORT TITLE. This Act shall be known and may be cited
1 4 as the "Iowa Health Freedom Act".

1 5 2. LEGISLATIVE INTENT. The general assembly recognizes
1 6 that people find value in utilizing unlicensed and licensed
1 7 health care providers, and diverse methods, to meet a wide
1 8 variety of highly individual and personally determined needs,
1 9 including comfort, well-being, vitality, hope, prevention of
1 10 disease, treatment of chronic and acute conditions, self=
1 11 understanding, self=empowerment, and self=development. The
1 12 general assembly also recognizes that individuals are
1 13 ultimately responsible for choosing their own health care
1 14 because they are the ones that experience the effects of that
1 15 health care on their health and well-being, and that the
1 16 exercise of the constitutional right to privacy and self=
1 17 determination in regard to health care requires freedom to
1 18 access all information and all methods and providers deemed of
1 19 value by individuals so that they may have the best
1 20 opportunity to find their most suitable path to health and
1 21 well-being. The general assembly additionally recognizes that
1 22 the threat of prosecution under the chapters contained in
1 23 Title IV, subtitle 3, pertaining to licensure requirements for
1 24 health care providers, has significantly, harmfully, and
1 25 unnecessarily limited the availability of many healing arts
1 26 services in Iowa by potentially subjecting the unlicensed
1 27 providers of those services to fines, penalties, and the
1 28 restriction of their practice.

1 29 Sec. 2. NEW SECTION. 147.86A PROVISIONS NOT APPLICABLE.
1 30 The provisions of this chapter, or any chapter contained in
1 31 Title IV, subtitle 3, licensing a health care provider shall
1 32 not be construed to prohibit the practice of healing arts
1 33 diagnoses and treatments by an unlicensed person provided that
1 34 the requirements of sections 147.105 and 147.105A are met.
1 35 The provisions of this chapter, or any chapter contained in
2 1 Title IV, subtitle 3, shall not be construed to apply to,
2 2 control, or prevent the practice of healing arts diagnoses and
2 3 treatments by persons already lawfully exempt from an

2 4 applicable licensing chapter. The penalty provisions of
2 5 section 147.86, or specific penalty provisions contained
2 6 within an otherwise applicable licensing chapter, shall not
2 7 apply to the practice of healing arts diagnoses and treatment
2 8 by an unlicensed person provided that the requirements of
2 9 sections 147.105 and 147.105A are met.

2 10 Sec. 3. NEW SECTION. 147.105 PROVISION OF HEALTH CARE BY
2 11 UNLICENSED PERSONS.

2 12 Notwithstanding any other provision to the contrary, a
2 13 person who is not licensed by this state as a health care
2 14 professional, and who provides healing arts diagnoses and
2 15 treatment, does not violate Title IV, subtitle 3, pertaining
2 16 to health care provider licensure requirements, unless the
2 17 person:

2 18 1. Conducts surgery, sets fractures, or performs any other
2 19 procedure on any person that harmfully invades the skin.

2 20 2. Prescribes or administers x-ray radiation.

2 21 3. Prescribes or administers drugs, devices, or controlled
2 22 substances for which a prescription by a licensed health care
2 23 provider is required.

2 24 4. Represents, states, indicates, advertises, or implies
2 25 that the person has been issued a license to practice a health
2 26 care profession in this state.

2 27 Sec. 4. NEW SECTION. 147.105A DISCLOSURES BY UNLICENSED
2 28 PERSONS WHO PROVIDE HEALTH CARE.

2 29 1. An unlicensed person who advertises in any media that
2 30 the person is a provider of healing arts diagnoses and
2 31 treatments, or who receives financial compensation for the
2 32 provision of healing arts diagnoses and treatments, shall,
2 33 prior to the provision of such services, provide a prospective
2 34 client a plainly worded written statement disclosing the
2 35 following:

3 1 a. That the provider is not a licensed health care
3 2 provider pursuant to the licensure provisions of any of the
3 3 chapters of Title IV, subtitle 3.

3 4 b. The nature of the health care diagnoses and treatment
3 5 to be provided.

3 6 c. The education, training, experience, or other
3 7 credentials or qualifications of the unlicensed provider
3 8 regarding the diagnoses and treatment being provided,
3 9 accompanied by the following statement:

3 10 "The state of Iowa has not adopted educational and training
3 11 standards for unlicensed providers of health care services.
3 12 This statement of credentials is for informational purposes
3 13 only. If a client wishes to receive health care from a
3 14 licensed health care provider, the client may seek such care
3 15 at any time. Clients receiving treatment from a licensed
3 16 provider of health care should consult with that licensed
3 17 provider before modifying or discontinuing such treatment."

3 18 d. Whether the provider has voluntarily relinquished a
3 19 license to practice any health care profession in Iowa or
3 20 elsewhere under threat of discipline by a licensing board or
3 21 agency, civil liability, or criminal prosecution.

3 22 e. The revocation of a provider's license to practice any
3 23 health care profession in this or any other state for
3 24 misconduct.

3 25 f. Whether the provider has been convicted or adjudicated

3 26 not guilty of a criminal offense against a minor, or of sexual
3 27 exploitation, or of a sexually violent crime against any
3 28 person, or is under indictment for any such crimes.

3 29 g. That the parent or legal guardian of a minor seeking
3 30 treatment has a right to request and receive written
3 31 permission from the provider for access to the relevant data
3 32 in the Iowa child abuse registry.

3 33 2. An unlicensed provider of healing arts diagnoses and
3 34 treatments shall obtain written acknowledgment from a
3 35 prospective client indicating that the prospective client has
4 1 been provided with the statement of disclosures pursuant to
4 2 subsection 1, and shall supply the client with a copy of the
4 3 disclosures and acknowledgment. The acknowledgment shall be
4 4 retained by the provider for a two-year period.

4 5 3. Any advertisement by an unlicensed provider of healing
4 6 arts diagnoses and treatments shall disclose that the provider
4 7 has not been issued a license to practice a licensed health
4 8 care profession in this state.

4 9 4. Upon request, an unlicensed provider of healing arts
4 10 diagnoses and treatment shall give written permission to a
4 11 parent or legal guardian of a minor to allow the parent or
4 12 legal guardian to access the Iowa child abuse registry.

4 13 Sec. 5. NEW SECTION. 147.105B SCOPE OF CHAPTER ==
4 14 REMEDIES.

4 15 1. The department may issue an immediate cease and desist
4 16 order, or seek a temporary or permanent injunction, against an
4 17 unlicensed provider of healing arts diagnoses and treatment
4 18 who fails to comply with the provisions of sections 147.105
4 19 and 147.105A.

4 20 2. State criminal and civil law not relating to the
4 21 provision of health care shall continue to apply to unlicensed
4 22 providers of healing arts diagnoses and treatments.

4 23 3. This section does not limit the right of any person to
4 24 seek relief for negligent or willful harm, or to seek any
4 25 other civil remedy against an unlicensed provider of healing
4 26 arts diagnoses and treatments.

4 27 4. This section does not restrict the state from taking
4 28 action regarding the maltreatment of minors.

4 29 EXPLANATION

4 30 This bill establishes an Iowa health freedom Act dealing
4 31 with the provision of healing arts diagnoses and treatment by
4 32 unlicensed persons.

4 33 The bill contains intent language indicating that the
4 34 general assembly recognizes that people find value in
4 35 utilizing unlicensed and licensed health care providers, and
5 1 diverse methods, to meet a wide variety of highly individual
5 2 and personally determined needs; that individuals are
5 3 ultimately responsible for choosing their own health care
5 4 because they are the ones that experience the effects of that
5 5 health care on their health and well-being; and that the
5 6 exercise of the constitutional right to privacy and self=
5 7 determination in regard to health care requires freedom to
5 8 access all information and all methods and providers deemed of
5 9 value by individuals so that they may have the best
5 10 opportunity to find their most suitable path to health and
5 11 well-being. The intent section also indicates that the
5 12 general assembly recognizes that the threat of prosecution

5 13 under the professional licensing chapters contained in Code
5 14 Title IV, subtitle 3, has significantly, harmfully, and
5 15 unnecessarily limited the availability of many healing arts
5 16 services in Iowa by potentially subjecting the unlicensed
5 17 providers of those services to fines, penalties, and the
5 18 restriction of their practice.

5 19 The bill provides that Code Title IV, subtitle 3, providing
5 20 for the licensing of health care providers shall not be
5 21 construed to prohibit the practice of healing arts diagnoses
5 22 and treatment by an unlicensed person provided that the
5 23 requirements of new Code sections 147.105 and 147.105A
5 24 relating to prohibited practices and disclosure, are met, nor
5 25 shall they be construed to apply to, control, or prevent the
5 26 practice of healing arts diagnoses and treatment by persons
5 27 already lawfully exempt from an applicable licensing Code
5 28 chapter. The bill removes the practice of healing arts
5 29 diagnoses and treatment from the penalty provisions of Code
5 30 section 147.86, or specific penalty provisions contained
5 31 within an otherwise applicable licensing Code chapter.

5 32 The bill provides that the provision of healing arts
5 33 diagnoses and treatment does not violate Code Title IV,
5 34 subtitle 3, pertaining to health care provider licensure
5 35 requirements, unless the provider of such services conducts
6 1 surgery, sets fractures, or performs any other procedure on
6 2 any person that harmfully invades the skin; prescribes or
6 3 administers x-ray radiation; prescribes or administers drugs,
6 4 devices, or controlled substances for which a prescription by
6 5 a licensed health care provider is required; or represents,
6 6 states, indicates, advertises, or implies that the person has
6 7 been issued a license to practice a health care profession in
6 8 this state.

6 9 The bill requires an unlicensed person who advertises in
6 10 any media that they are a provider of healing arts diagnoses
6 11 and treatment, or who receives financial compensation for the
6 12 provision of healing arts diagnoses and treatment, to supply a
6 13 prospective client prior to the provision of such services
6 14 with a plainly worded written statement making several
6 15 disclosures. It must be disclosed that the provider is not a
6 16 licensed health care provider; the nature of the health care
6 17 diagnoses and treatment to be provided; and the education,
6 18 training, experience, or other credentials or qualifications
6 19 of the unlicensed provider regarding the diagnoses and
6 20 treatment being provided, accompanied by a statement that Iowa
6 21 has not adopted educational and training standards for
6 22 unlicensed providers of health care services; that the
6 23 statement of credentials is for informational purposes only;
6 24 and that if a client wishes to receive health care from a
6 25 licensed health care provider, the client may seek such care
6 26 at any time and should consult with a licensed provider before
6 27 modifying or discontinuing such existing treatment. An
6 28 unlicensed provider of healing arts diagnoses and treatment
6 29 must also disclose whether the provider has voluntarily
6 30 relinquished a license to practice; had a license revoked;
6 31 been convicted or adjudicated of a criminal offense against a
6 32 minor, or of sexual exploitation, or of a sexually violent
6 33 crime against any person, or is under indictment for any such
6 34 crimes; and that the parent or legal guardian of a minor

6 35 seeking treatment has a right to request and receive written
7 1 permission from the provider for access to the relevant data
7 2 in the Iowa child abuse registry. The bill provides that
7 3 written acknowledgment from a prospective client that the
7 4 client was provided a statement of disclosures must be
7 5 obtained, and retained for a two-year period, and that the
7 6 prospective client shall receive a copy of the disclosures and
7 7 acknowledgment.

7 8 The bill additionally provides that an advertisement by an
7 9 unlicensed provider of healing arts diagnoses and treatments
7 10 shall disclose that the provider has not been issued a license
7 11 to practice a licensed health care profession, and that upon
7 12 request, an unlicensed provider of health care services shall
7 13 give written permission to a parent or legal guardian of a
7 14 minor to allow the parent or legal guardian to access the Iowa
7 15 child abuse registry.

7 16 The bill also provides for the scope of the bill's
7 17 provisions and penalties. The bill provides that the Iowa
7 18 department of public health may issue an immediate cease and
7 19 desist order, or seek a temporary or permanent injunction,
7 20 against an unlicensed provider of healing arts diagnoses and
7 21 treatment who fails to comply with the bill's provisions, and
7 22 that state criminal and civil law not relating to the
7 23 provision of health care shall continue to be applicable. The
7 24 bill provides that its provisions shall not limit the right of
7 25 any person to seek relief for negligent or willful harm, or to
7 26 seek any other civil remedy, and does not restrict the state
7 27 from taking action regarding the maltreatment of minors.

7 28 LSB 5841XS 81

7 29 rn:nh/je/5

Text: [SF2094](#)
[Complete Bill History](#)

Text: [SF2096](#)