

MEDICINE BOARD[653]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby proposes to amend Chapter 9, “Permanent Physician Licensure,” Iowa Administrative Code.

The purpose of Chapter 9 is to establish requirements for licensure for administrative medicine physicians, medical physicians and surgeons, and osteopathic physicians and surgeons. The proposed amendments update language throughout the chapter. The need for these amendments was determined during the Board’s continuing review of its administrative rules.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on December 10, 2015.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on January 26, 2016. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to mark.bowden@iowa.gov.

There will be a public hearing on January 26, 2016, at 1:30 p.m. at the Board’s office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 147, 148 and 272C.

The following amendments are proposed.

ITEM 1. Amend the following definitions in rule **653—9.1(147,148)**:

“*Current, active status*” means a license that is in effect and grants the privilege of practicing administrative medicine, medicine and surgery or osteopathic medicine and surgery, as applicable.

“*Inactive license*” means any license that is not in current, active status. ~~Inactive license may include licenses formerly known as delinquent, lapsed, or retired.~~ A physician whose license is inactive continues to hold the privilege of licensure in Iowa but may not practice ~~medicine~~ under an inactive Iowa license until the inactive license is reinstated to ~~current~~, active status.

ITEM 2. Adopt the following new paragraph **9.3(1)“e”**:

e. A military service applicant or a veteran may apply for credit for verified military education, training, or service toward any experience or educational requirement for permanent licensure under this subrule or may be eligible for permanent licensure through reciprocity as specified in 653—Chapter 18.

ITEM 3. Amend paragraph **9.4(2)“a”** as follows:

a. Pay a nonrefundable initial application fee of \$450 ~~plus the \$45 fee identified in 653—subrule 8.4(6) and fee~~ for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) as specified in 653—paragraph 8.4(1)“a”; and

ITEM 4. Amend paragraph **9.4(3)“a”** as follows:

a. Full legal name, date and place of birth, home address, mailing address, and principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board.

ITEM 5. Amend paragraph **9.5(2)“a”** as follows:

a. Pay a nonrefundable initial application fee of \$450 plus the \$45 fee identified in 653—subrule 8.4(6) and fee for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) as specified in 653—paragraph 8.4(1)“a”; and

ITEM 6. Amend paragraph **9.5(3)“a”** as follows:

a. Full legal name, date and place of birth, home address, mailing address, and principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board.

ITEM 7. Amend paragraph **9.6(2)“a”** as follows:

a. Pay a nonrefundable initial application fee of \$450 plus the \$45 fee identified in 653—subrule 8.4(6) and fee for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) as specified in 653—paragraph 8.4(1)“a”; and

ITEM 8. Amend paragraph **9.6(3)“a”** as follows:

a. Full legal name, date and place of birth, home address, mailing address, and principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board.

ITEM 9. Amend paragraph **9.7(1)“d”** as follows:

d. Candidates who meet the following requirements are eligible to take USMLE Step 3:

(1) Submit a completed application form and pay the required examination fee as specified in rule 653—subrule 8.3(1) 8.3(147,148,272C).

(2) No change.

(3) Document holding a medical degree from a board-approved educational institution. If a candidate holds a medical degree from an educational institution not approved by the board at the time the applicant graduated and was awarded the degree, the candidate shall meet the requirements specified in 9.3(1)“e”(3) subparagraph 9.3(1)“b”(3).

(4) No change.

ITEM 10. Amend subrule 9.8(4) as follows:

9.8(4) If the final review indicates questions or concerns that cannot be remedied by continued communication with the physician, the executive director, director of licensure and administration and director of legal affairs shall determine if the questions or concerns indicate any uncertainty about the applicant’s current qualifications for licensure.

a. and b. No change.

ITEM 11. Amend paragraph **9.8(7)“c”** as follows:

c. If the physician has not engaged in active clinical practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:

(1) to (4) No change.

ITEM 12. Amend paragraph **9.8(8)“c”** as follows:

c. If the physician has not engaged in active clinical practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:

(1) to (4) No change.

ITEM 13. Amend subrule 9.9(2) as follows:

9.9(2) *Reactivation of the application.* To reactivate the application, an applicant shall submit a nonrefundable fee for reactivation of the application fee of \$150 as specified in 653—paragraph 8.4(1)“b” and shall update credentials.

a. and b. No change.

c. Once the reactivation period expires, ~~an~~ the application for licensure is withdrawn and the applicant must reapply and submit a new nonrefundable application fee and a new application, documents and credentials.

ITEM 14. Adopt the following **new** paragraph **9.11(1)“e”**:

e. When a physician with a permanent Iowa license receives an Iowa administrative medicine license, the permanent Iowa license shall immediately become inactive.

ITEM 15. Amend rule 653—9.12(147,148) as follows:

653—9.12(147,148) Notification required to change the board’s data system.

9.12(1) Change of address contact information. A licensee shall notify the board of any change in the home address, ~~or~~ the address of the place of practice, home or practice telephone number, or personal e-mail address regularly used by the applicant or licensee for correspondence with the board within one month of ~~making an address~~ the change.

9.12(2) No change.

9.12(3) Deceased. A licensee file shall be closed and labeled “deceased” when the board receives a copy of the physician’s death certificate or other reliable information of the licensee’s death.

ITEM 16. Amend subrule 9.13(1) as follows:

9.13(1) Renewal notice. Staff shall send a renewal notice ~~by regular mail~~ to each licensee at the licensee’s last known address at least 60 days prior to the expiration of the license. The renewal notice may be sent by e-mail or by regular mail at the discretion of staff. If e-mail is used for notification of licensure renewal, the notice shall be sent to the personal e-mail address specified in subrule 9.12(1).

ITEM 17. Amend paragraph **9.13(3)“a”** as follows:

a. Renewal fee.

(1) ~~The renewal fee is \$550 if fees for renewal is made via paper application or \$450 if renewal is made via on-line application;~~ are specified in 653—subparagraph 8.4(1)“c”(1) and are assessed per biennial period or a prorated portion thereof if the current license was issued for a period of less than 24 months.

(2) There is no renewal fee due for a physician who was on active duty in the U.S. armed forces, reserves or national guard during the renewal period. “Active duty” means full-time training or active service in the U.S. armed forces, reserves or national guard.

(3) A physician who fails to renew before the expiration of the license shall be charged a penalty fee as set forth in 653—paragraph 8.4(1)“d.”

ITEM 18. Amend subrule 9.13(6) as follows:

9.13(6) Failure to renew. Failure of the licensee to renew a license within two months following its expiration date shall cause the license to become inactive and invalid. A licensee whose license is invalid or inactive is prohibited from practice until the license is reinstated in accordance with rule 653—9.15(147,148).

a. and b. No change.

ITEM 19. Amend subrule 9.15(1) as follows:

9.15(1) Reinstatement within one year of the license’s becoming inactive. An individual whose license is in inactive status for up to one year and who wishes to reinstate the license shall submit a completed renewal application; the reinstatement fee; documentation of continuing education; and, if applicable, documentation on training on chronic pain management, training on end-of-life care, and training on identifying and reporting abuse; ~~and the reinstatement fee.~~ All of the information shall be received in the board office within one year of the license’s becoming inactive for the applicant to reinstate under this subrule. For example, a physician whose license became inactive on March 1 has until the last day of the following February to renew under this subrule.

a. Fees Fee for reinstatement of an unrestricted Iowa license within one year of the license’s becoming inactive. The reinstatement fee is ~~\$550 except~~ specified in 653—paragraph 8.4(1)“g” when the license in the most recent license period had been granted for less than 24 months; in that case, the

reinstatement fee is prorated according to the date of issuance and the physician's month and year of birth.

b. to d. No change.

ITEM 20. Amend subrule 9.15(2) as follows:

9.15(2) *Reinstatement of an unrestricted Iowa license that has been inactive for one year or longer.* An individual whose license is in inactive status and who has not submitted a reinstatement application that was received by the board within one year of the license's becoming inactive shall follow the application cycle specified in this rule and shall satisfy the following requirements for reinstatement:

a. Submit an application for reinstatement to the board upon forms provided by the board. The application shall require the following information:

(1) Full legal name, date and place of birth, license number, home address, mailing address, ~~and principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board;~~

(2) to (8) No change.

(9) A completed fingerprint packet to facilitate a national criminal history background check. The \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

b. Pay the reinstatement fee of \$500 plus the \$45 fee identified in 653—subrule 8.4(6) for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks; specified in 653—paragraph 8.4(1) "f." ~~No fee is required for reinstatement for those whose licenses became inactive between December 8, 1999, and July 4, 2001; however, the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed.~~

c. Provide documentation of completion of ~~80~~ 40 hours of category 1 credit within the previous two years and documentation of training on chronic pain management, end-of-life care, and identifying and reporting abuse as specified in 653—Chapter 11.

d. If the physician has not engaged in active clinical practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:

(1) to (4) No change.

e. No change.