

## INSURANCE DIVISION[191]

### Notice of Intended Action

#### **Proposing rule making related to notice to suppliers of information and providing an opportunity for public comment**

The Insurance Division hereby proposes to amend Chapter 2, “Public Records and Fair Information Practices,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 22.11.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 22.11.

#### *Purpose and Summary*

This rule making is part of the Division’s rule review process and expands newly adopted rule 191—2.10(17A,22). The proposed subrules would provide for the statutorily permitted notice to certain suppliers of information pursuant to Iowa Code section 22.11(1)“f.” Also, the proposed subrules would cover applicants; licensees; Division investigations and regulatory and administrative functions; and other legal processes.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

The Division’s general waiver provisions of 191—Chapter 4 apply to these rules.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Division no later than 4 p.m. on January 27, 2020. Comments should be directed to:

Tracy Swalwell  
Iowa Insurance Division  
Two Ruan Center  
601 Locust Street, Fourth Floor  
Des Moines, Iowa 50309  
Phone: 515.725.1249  
Fax: 515.281.3059  
Email: [tracy.swalwell@iid.iowa.gov](mailto:tracy.swalwell@iid.iowa.gov)

#### *Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

January 27, 2020  
10:30 to 11:30 a.m.

Division Offices, Fourth Floor  
Two Ruan Center  
601 Locust Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Division and advise of specific needs. Requests should be directed to Tracy Swalwell.

The public hearing will be canceled without further notice if no public hearing is requested by 4 p.m. on January 24, 2020.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** subrules 2.10(1) to 2.10(6):

**2.10(1) Notice.** The notice shall generally be given at the first contact with the division and need not be repeated. Where appropriate, the notice may be given to a person's legal or personal representative. Notice may be withheld in an emergency or when it would compromise the purpose of a department investigation.

**2.10(2) License and examination applicants.** License and examination applicants are requested to supply a wide range of information depending on the qualifications for licensure or sitting for an examination, as provided by division statutes, rules and application forms. Failure to provide requested information may result in denial of the application. Some requested information, such as social security numbers, home addresses, examination scores, and criminal histories, is confidential under state or federal law, but most of the information contained in license or examination applications is treated as public information, freely available for public examination.

**2.10(3) License renewal.** Licensees are requested to supply a wide range of information in connection with license renewal, including continuing education information, criminal history and disciplinary actions, as provided by division statutes, rules and application forms, both on paper and electronically. Failure to provide requested information may result in denial of the application. Most information contained on renewal applications is treated as public information freely available for public examination, but some information may be confidential under state or federal law.

**2.10(4) Investigations.** Persons and entities regulated by the division are required to respond to division requests for information as part of the investigation of a complaint or inquiry. Failure to timely respond may result in disciplinary action against the person or entity to which the request is made. Information provided in response to such a request is confidential pursuant to Iowa Code, including but not limited to Iowa Code section 502.607(2), 505.8(8) "a," 507E.5, or 523A.803, but may become public if introduced at a hearing which is open to the public, contained in a final order, or filed with a court of judicial review.

**2.10(5) Discovery request, subpoenas, and investigations.** Notice need not be given in connection with discovery requests in litigation or administrative proceedings, subpoenas, investigations of possible violations of law or similar demands for information.

**2.10(6) Regulatory and administrative functions.** In general, the division requests information that is required to be provided to the division pursuant to state or federal law to perform regulatory and

administrative functions. Information is routinely shared outside the division when required by rules or law. Consequences of failure to provide information include denial of licensure or regulatory approval.