

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

**Proposing rule making related to teleconference option for official meetings
and providing an opportunity for public comment**

The Public Health Department hereby proposes to amend Chapter 55, “Advisory Council on Brain Injuries,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 135.22A(7) and 2019 Iowa Acts, House File 766, section 80.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 135.22A(7) and 2019 Iowa Acts, House File 766, section 80.

Purpose and Summary

2019 Iowa Acts, House File 766, section 80, requires the Department of Public Health to provide for a teleconference option for any board, commission, committee or council member to participate in official meetings. The first of these proposed amendments removes paragraph 55.6(1)“b,” which requires quarterly meetings of the Advisory Council on Brain Injuries to be held in a specific month. This would allow more meeting scheduling flexibility within the quarter to address the scheduling needs of the members. The proposed amendments also remove the requirement for appointed members to participate in meetings in person unless there are extenuating circumstances; affirm that a teleconference option shall be set up for members; and remove subrule 55.6(12) related to electronic meetings that is no longer necessary.

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

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver and variance provisions contained in 641—Chapter 178.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 14, 2020. Comments should be directed to:

Maggie Ferguson
Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: maggie.ferguson@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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 actions are proposed:

ITEM 1. Amend subrule 55.6(1) as follows:

55.6(1) The council shall meet at least quarterly.

~~a.~~ The annual meeting schedule shall be established by the beginning of the fiscal year.

~~b.~~ ~~Meetings will be held the following months: January, April, July and October.~~

ITEM 2. Amend subrule 55.6(10) as follows:

55.6(10) Meeting attendance.

a. Council members are expected to ~~be present in person for~~ attend council meetings with the exception of extenuating circumstances that have been cleared beforehand by the chairperson.

b. Any council member who is unable to attend a meeting will notify council staff at least 24 hours prior to the start of a regularly scheduled meeting. A meeting may be canceled if attendance is expected to be low.

~~c. If there are extenuating circumstances, a~~ A teleconference may option shall be set up for the ~~member members~~ to participate in the ~~business portion of the~~ meeting.

d. Appointed members may be recommended for dismissal from the council if they miss more than three meetings annually.

ITEM 3. Rescind subrule **55.6(12)**.