

**NURSING BOARD[655]**

**Adopted and Filed**

**Rule making related to administrative and regulatory authority**

The Board of Nursing hereby amends Chapter 1, “Administrative and Regulatory Authority,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 17A.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 135.11B.

*Purpose and Summary*

2019 Iowa Acts, House File 766, section 59, created new Iowa Code section 135.11B, which provides the Director of the Iowa Department of Public Health with the authority to hire and supervise the executive directors of the Boards of Medicine, Nursing, and Pharmacy and the Dental Board. Previously, the Board of Nursing hired and supervised its own Executive Director. The Board will now advise and consult with the Director in the hiring and supervision of the Executive Director. This rule making amends rule 655—1.3(17A,147,152) to conform to the Board’s new advisory and consulting role in the hiring and supervising of its Executive Director.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 9, 2020, as **ARC 5164C**. A public hearing was held on September 29, 2020, at 9 a.m. at the Board’s office, 400 S.W. Eighth Street, Suite B, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on October 14, 2020.

*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 Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

*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).

*Effective Date*

This rule making will become effective on December 23, 2020.

The following rule-making action is adopted:

Amend paragraph **1.3(2)“j”** as follows:

*j.* ~~Appoint~~ Retain a full-time executive director who, ~~under the direction of the board,~~ is responsible for the administration of policies and programs of the board and for the operation of the board office. ~~Appointment or termination of appointment of the executive director shall require a majority vote of the entire board.~~ Pursuant to Iowa Code section 135.11B, the board shall advise the director of the department of public health in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director’s duties.

[Filed 10/28/20, effective 12/23/20]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/18/20.