

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rule making related to licensure, criminal convictions, and wallet cards and providing an opportunity for public comment**

The Board of Dietetics hereby proposes to amend Chapter 81, “Licensure of Dietitians,” and Chapter 83, “Discipline for Dietitians,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 147.76 and chapter 152A and 2020 Iowa Acts, House File 2627.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 147.10 and chapter 154B and 2020 Iowa Acts, House File 2627.

*Purpose and Summary*

The proposed amendments implement the provisions of 2020 Iowa Acts, House File 2627, by updating the Board’s rules regarding criminal convictions as grounds for discipline. The proposed amendments also remove references to wallet cards.

*Fiscal Impact*

This rule making has minimal fiscal impact to the State of Iowa. Licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed.

*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 645—Chapter 18.

*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 Board no later than 4:30 p.m. on March 16, 2021. Comments should be directed to:

Sharon Dozier  
Professional Licensure Division  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Email: [sharon.dozier@idph.iowa.gov](mailto:sharon.dozier@idph.iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 16, 2021  
9 to 10 a.m.

Via Webex:  
[idph.webex.com/idph/j.php?MTID=m3c42c40bcc17792c9c1cdbaa6408ed2b](https://idph.webex.com/idph/j.php?MTID=m3c42c40bcc17792c9c1cdbaa6408ed2b)  
Password: GAhMjEu7\*53  
Via telephone: 408.418.9388  
Access code: 146 783 2932

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. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

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 Board and advise of specific needs.

### *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 81.9(5) as follows:

**81.9(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license ~~and shall send the licensee a wallet card by regular mail~~. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

ITEM 2. Amend subrule 81.9(7) as follows:

**81.9(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the ~~wallet card~~ renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.6(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 3. Rescind subrule 83.2(12) and adopt the following **new** subrule in lieu thereof:

**83.2(12)** Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.