

MEDICINE BOARD[653]

Adopted and Filed

Rule making related to appointment of the executive director

The Board of Medicine 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 147.76.

State or Federal Law Implemented

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

Purpose and Summary

During the 2019 Legislative Session, the General Assembly passed 2019 Iowa Acts, House File 766, section 59 (now codified as Iowa Code section 135.11B), which provided that the Executive Director of the Board of Medicine shall be appointed by the Director of the Department of Public Health. This rule making amends subrules 1.3(5) and 1.3(6) to reflect this change.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 30, 2020, as **ARC 5372C**. 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 February 19, 2021.

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 653—Chapter 3.

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 June 9, 2021.

The following rule-making action is adopted:

Amend rule 653—1.3(17A) as follows:

653—1.3(17A) Organization of board. The board:

1.3(1) to 1.3(4) No change.

1.3(5) Has the authority to:

a. Administer the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, ~~and the practice of acupuncture by acupuncturists,~~ and the practice of genetic counseling by genetic counselors.

b. Review or investigate, upon receipt of a complaint or upon its own initiation, based upon information or evidence received, alleged violations of statutes or rules which relate to the practice of medicine and surgery, osteopathic medicine and surgery, ~~and the practice of acupuncture by licensed acupuncturists,~~ and the practice of genetic counseling by licensed genetic counselors.

c. to m. No change.

n. ~~Hire and supervise the executive director.~~ 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.

o. and p. No change.

1.3(6) ~~Appoints~~ Guide and direct a full-time executive director who:

a. Is not a member of the board.

b. Under the supervision of the director of the department of public health and the guidance or direction of the board performs administrative duties of the board including, but not limited to: staff supervision and delegation; administration and enforcement of the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, ~~and the practice of acupuncture,~~ and the practice of genetic counseling; issuance of subpoenas on behalf of the board or a committee of the board during the investigation of possible violations; and enunciation of policy on behalf of the board.

1.3(7) No change.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/21.