

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Rule making related to fees for complaints and hearings involving administrator sanctions

The Educational Examiners Board hereby amends Chapter 11, “Complaints, Investigations, Contested Hearings,” and Chapter 12, “Fees,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 868.

Purpose and Summary

2021 Iowa Acts, House File 868, directs the Board to establish fees for the administrative costs of processing complaints and conducting hearings when the respondent is an administrator and the final Board action results in a sanction. This rule making implements the legislation.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 6, 2021, as **ARC 5938C**. A public hearing was held on October 26, 2021, at 1 p.m. in the Board of Educational Examiners Board Room, 701 East Court Avenue, Suite A, Des Moines, Iowa. No one attended the public hearing. No public comments were received. One change from the Notice has been made. Since the publication of the Notice, 2021 Iowa Acts, House File 868, has been codified. The reference in the rule making to House File 868 has been removed accordingly.

Adoption of Rule Making

This rule making was adopted by the Board on December 10, 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 282—Chapter 6.

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 February 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 282—11.33(272) as follows:

282—11.33(272) Methods of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revoke a practitioner's license, certificate or authorization.
2. Suspend a practitioner's license, certificate or authorization until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period, a practitioner from engaging in specified practices, methods, or acts.
4. Require additional education or training.
5. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
6. Issue a public letter of reprimand.
7. Order any other resolution appropriate to the circumstances of the case.
8. Impose fees as provided in Iowa Code section 272.2(24).

ITEM 2. Adopt the following **new** rule 282—12.10(272):

282—12.10(272) Fees for processing complaints and conducting hearings.

12.10(1) Administrator licensure sanction. If an administrator is a respondent in a complaint for violation of the code of professional conduct and ethics and the final board action results in a sanction, the administrator will be required to pay the fees that were related to processing the complaint and conducting the hearing. Such fees may include a fee for personal service by a sheriff, a fee for legal notice when placed in a newspaper, a fee for transcription service or court reporter fee, and other fees assessed as costs by the board.

12.10(2) Timeline for payment and board order. Fees must be submitted to the board office within 45 days from the issuance of the letter outlining the required fees. Payment of fees may be imposed as a board order.

[Filed 12/13/21, effective 2/16/22]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/22.