

**MEDICINE BOARD[653]**

**Notice of Intended Action**

**Proposing rule making related to abortion prerequisites  
and providing an opportunity for public comment**

The Board of Medicine hereby proposes to amend Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 146A.1.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 146A.1.

*Purpose and Summary*

On June 17, 2022, the Iowa Supreme Court reversed a district court decision enjoining implementation of Iowa Code section 146A.1, which provides for prerequisites for the provision of abortion procedures. This proposed rule making implements Iowa Code section 146A.1. Specifically, this rule making clarifies the written notification requirement for physicians performing abortions.

*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.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Joseph Fraioli  
Iowa Board of Medicine  
400 SW Eighth Street, Suite C  
Des Moines, Iowa 50309  
Phone: 515.281.3614  
Email: [joseph.fraioli@iowa.gov](mailto:joseph.fraioli@iowa.gov)

*Public Hearing*

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

August 30, 2022  
1 to 2 p.m.

Board Office, Suite H  
400 SW Eighth Street  
Des Moines, Iowa  
Also via videoconference:  
[us02web.zoom.us/j/88138100043?pwd=WlAyMUxtRjZtQndjcnNUQTRpN3Y2UT09](https://us02web.zoom.us/j/88138100043?pwd=WlAyMUxtRjZtQndjcnNUQTRpN3Y2UT09)  
Dial by your location: +1 312 626 6799 US  
(Chicago)

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.

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 action is proposed:

Adopt the following **new** rule 653—13.16(146A):

**653—13.16(146A) Abortion prerequisites.**

**13.16(1) *Written certification.*** At least 24 hours prior to performing an abortion, a physician shall obtain written certification from the pregnant woman of each prerequisite as required in Iowa Code sections 146A.1(1)“a” through 146A.1(1)“d”(1). The written certification shall list each required prerequisite separately and shall include a line for date and signature of the pregnant woman. The physician shall maintain a copy of the certification as part of the pregnant woman's medical records.

**13.16(2) *Exceptions.*** This rule shall not apply to abortions performed in a medical emergency, as provided in Iowa Code section 146A.1(2).

**13.16(3) *Discipline.*** Failure to comply with this rule or the requirements of Iowa Code section 146A.1 may constitute grounds for discipline.

This rule is intended to implement Iowa Code section 146A.1.