

## LABOR SERVICES DIVISION[875]

### Notice of Intended Action

#### Proposing rule making related to physician assistants and providing an opportunity for public comment

The Labor Commissioner hereby proposes to amend Chapter 155, “Asbestos Removal and Encapsulation,” Chapter 169, “General Requirements for Athletic Events,” Chapter 173, “Professional Boxing,” Chapter 174, “Elimination Tournaments,” Chapter 176, “Professional Kickboxing,” and Chapter 177, “Mixed Martial Arts,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 88B.3 and 90A.7.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 147.77 as enacted by 2022 Iowa Acts, House File 803.

#### *Purpose and Summary*

2022 Iowa Acts, House File 803, allows physician assistants to perform various duties that are within their scope of practice but which statute or rule previously only allowed physicians to accomplish. House File 803 also directs agencies to amend their rules to reflect the statutory changes allowing physician assistants to perform certain tasks that previously were only accomplished by physicians. The purpose of this proposed rule making is to modify the Division of Labor Services’ rules to be consistent with these statutory changes.

#### *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 Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

#### *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 Commissioner no later than 4:30 p.m. on November 8, 2022. Comments should be directed to:

Lanny Zieman  
Division of Labor Services  
150 Des Moines Street  
Des Moines, Iowa 50309  
Email: [lanny.zieman@iwd.iowa.gov](mailto:lanny.zieman@iwd.iowa.gov)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *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 155.6(1) as follows:

**155.6(1) Application form.** Except as noted in this subrule, the applicant must complete and submit the entire form provided by the division with the necessary attachments. Respirator fit tests and medical examinations must have occurred within the past 12 months. Only worker and contractor/supervisor license applicants must submit the respiratory protection and physician’s or physician assistant’s certification forms. Photocopies of the forms shall not be accepted.

ITEM 2. Amend subparagraph **155.6(11)“a”(2)** as follows:

(2) A copy of a physician’s or physician assistant’s statement indicating that, consistent with 29 CFR 1910.134, a licensed physician or physician assistant has examined the individual within the past 12 months and approved the individual to work while wearing a respirator;

ITEM 3. Amend subparagraph **169.4(1)“b”(5)** as follows:

(5) A copy of the medical license of the ringside physician or physician assistant;

ITEM 4. Amend subparagraph **169.4(1)“b”(10)** as follows:

(10) The date, time, and location of the ringside physician’s or physician assistant’s examination of the contestants;

ITEM 5. Amend subrule 169.5(16) as follows:

**169.5(16)** Submit to the ringside physician or physician assistant no later than at the time of the physicals test results showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event. The contestant shall not participate and the physician or physician assistant shall notify the promoter that the contestant is prohibited from participating for medical reasons if any of the following occurs:

*a. to e.* No change.

ITEM 6. Amend rule 875—173.4(90A) as follows:

**875—173.4(90A) Injury.** If a contestant claims to be injured during the bout, the referee shall stop the bout and request the attending physician or physician assistant to make an examination. If the physician or physician assistant decides that the contestant has been injured as the result of a foul, the physician or physician assistant shall advise the referee of the injury. If the physician or physician assistant is of the opinion that the injured contestant may be able to continue, the physician or physician assistant shall order a five-minute intermission, after which the physician or physician assistant shall make another examination and again advise the referee of the injured contestant’s condition. It shall be the duty of the promoter to have an approved physician or physician assistant in attendance during the entire duration of all bouts.

ITEM 7. Amend rule 875—173.8(90A) as follows:

**875—173.8(90A) Persons allowed in the ring.** No person other than the contestants and the referee shall enter the ring during the bout, excepting the seconds between the rounds or the attending physician or physician assistant if asked by the referee to examine an injury to a contestant.

ITEM 8. Amend rule 875—173.19(90A) as follows:

**875—173.19(90A) Weighing of contestants.** Contestants shall be weighed and examined on the day of the scheduled match by the attending ring physician or physician assistant, at a time and place to be determined by the commissioner. Preliminary boxers may be allowed to weigh in and be examined not later than one hour before the scheduled time of the first match on the card. All weigh-ins will be conducted with the boxer stripped. Accurate scales shall be furnished by the promoter.

ITEM 9. Amend rule 875—173.45(90A) as follows:

**875—173.45(90A) Attending ring physician or physician assistant.** When a boxer has been injured seriously, knocked out or technically knocked out, the referee shall immediately summon the attending ring physician or physician assistant to aid the stricken boxer. Managers, handlers and seconds shall not attend to the stricken boxer, except at the request of the physician or physician assistant.

ITEM 10. Amend rule 875—173.47(90A) as follows:

**875—173.47(90A) Timekeeper.** The timekeeper shall provide a stopwatch and shall maintain an accurate time of all bouts. The timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician or physician assistant, replacing a glove or adjusting any equipment during a round. The timekeeper shall provide a whistle and shall sound the whistle ten seconds before the start of each round of boxing bouts. The timekeeper shall be impartial and shall not signal interested parties at any time during a bout.

ITEM 11. Amend rule 875—174.6(90A) as follows:

**875—174.6(90A) Suspension.** A contestant who suffers a knockout or where the referee stops a fight on a technical knockout (TKO) shall not be permitted to box in the state for a period of 30 days. Before being permitted to fight again, the contestant shall be examined by a physician or physician assistant approved by the commissioner.

ITEM 12. Amend subrule 176.4(1) as follows:

**176.4(1) Officials.** The designation of officials, referees, physicians, physician assistants, timekeepers, judges, kick counters, scorekeepers, contestants, seconds, and managers is subject to the approval of the commissioner or designee.

ITEM 13. Amend subrule 177.4(1) as follows:

**177.4(1) Officials.** Officials shall consist of three judges, two referees, the physician or physician assistant, and the timekeeper.

ITEM 14. Amend subrule 177.4(3) as follows:

**177.4(3) Timekeeper.** The timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician or physician assistant, replacing a glove or adjusting any equipment during a round. The timekeeper shall notify contestants at the beginning and end of each round. The timekeeper shall be impartial and shall not signal interested parties at any time during a match.

ITEM 15. Amend subrule 177.4(8) as follows:

**177.4(8) Persons allowed in the cage.** No person other than the two contestants and the referee shall enter the cage during the match. However, the physician or physician assistant may enter the cage to examine a contestant upon the request of the referee.

ITEM 16. Amend paragraph **177.4(10)“d”** as follows:

*d.* A contestant is exempt from ~~177.4(10)(a)(1)~~ subparagraphs 177.4(10)“a”(1) and (2) while interacting with the contestant’s opponent during a round. However, if the round is stopped by the physician or physician assistant or referee for a time out, ~~177.4(10)(a)(1)~~ subparagraphs 177.4(10)“a”(1) and (2) shall apply to a contestant.

ITEM 17. Amend subrule 177.5(13) as follows:

**177.5(13) Examination of contestants.** On the day of the event, at a time and place to be approved by the commissioner, the ringside physician or physician assistant shall conduct a rigorous physical examination to determine the contestant’s fitness to participate in an MMA match. A contestant deemed not fit by the physician or physician assistant shall not participate in the event.

ITEM 18. Amend subrule 177.6(7) as follows:

**177.6(7) Injury.** If a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician or physician assistant to make an examination of the stricken fighter. If the physician or physician assistant decides that the contestant has been injured, the physician or physician assistant shall advise the referee of the severity of the injury. If the physician or physician assistant is of the opinion the injured contestant may be able to continue, the physician or physician assistant shall order a five-minute intermission, after which the physician or physician assistant shall make another examination and again advise the referee of the injured contestant’s condition. Managers, handlers and seconds shall not attend to the stricken fighter, except at the request of the physician or physician assistant.