

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to physician assistants and other medical care providers and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 12, “Conservation Education,” Chapter 15, “General License Regulations,” and Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.77 as amended by 2022 Iowa Acts, House File 803, and sections 321G.2, 321I.2, 462A.3(2) and 483A.27(8).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.77 as amended by 2022 Iowa Acts, House File 803, and sections 321G.23, 321I.25, 462A.12(6), 462A.12A, 483A.8(8), 483A.24(12) and 483A.27(4).

Purpose and Summary

2022 Iowa Acts, House File 803, allowed physician assistants to perform various duties that are within their undisputed scope of practice. The legislation specifically directed agencies to add physician assistants to rules that are currently limited in scope to physicians. Chapters 12, 15, and 94 each contain provisions that reference physicians. This proposed rule making amends these chapters as required by the legislation.

The Commission also proposes to amend the rules to include other medical professionals: specifically, doctors of osteopathy and nurse practitioners. Authorizing a suite of medical professionals to complete certain tasks enables a volunteer instructor and/or hunter to utilize the volunteer instructor’s or hunter’s preferred care provider.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. 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 Commission for a waiver of the discretionary provisions, if any.

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 Department no later than 4:30 p.m. on January 31, 2023. Comments should be directed to:

Tamara McIntosh
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: tamara.mcintosh@dnr.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 rule 571—12.25(321G,321I,462A,483A) as follows:

571—12.25(321G,321I,462A,483A) Grounds for revocation or suspension of instructor certification. The department may, at any time, seek to revoke or suspend the instructor certification of any person who:

1. to 7. No change.

8. Participates in a course while under the influence of alcohol or any illegal drug or while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician. The prescribing physician shall be a licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner.

9. to 13. No change.

ITEM 2. Amend subrules 15.22(2) and 15.22(4) as follows:

15.22(2) Application for authorization card. An individual requesting use of a crossbow for hunting deer or turkey must submit an application for an authorization card on forms provided by the department. The application must include a statement signed by the applicant’s physician declaring that the individual is not physically capable of shooting a bow and arrow. The attending physician shall be a licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner. A first-time applicant must submit the authorization card application no later than ten days before the last day of the license application period for the season the person intends to hunt.

15.22(4) Validity and forfeiture of authorization card. A card authorizing the use of a crossbow for hunting deer and turkey will be valid for as long as the person is incapable of shooting a bow and arrow. If a conservation officer has probable cause to believe the person’s handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department may, upon the officer’s request, require the person to obtain in writing a current physician’s statement. The attending physician shall be a licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner.

If the person is unable to obtain a current physician’s statement confirming that the person is incapable of shooting a bow and arrow, the department may initiate action to revoke the authorization card pursuant to 571—Chapter 7.

ITEM 3. Amend subrule 94.10(1) as follows:

94.10(1) Licenses. A nonresident meeting the requirements of Iowa Code section 321L.1(8) may apply for or purchase a nonresident deer hunting license to participate in a special deer hunting season for severely disabled persons. Nonresidents applying for this license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa DNR form signed by a physician that verifies their disability. The attending physician shall be a licensed physician, osteopathic physician, physician assistant, or advanced registered nurse practitioner.