

**MEDICINE BOARD[653]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3(1)“f,” the Board of Medicine hereby amends Chapter 23, “Grounds for Discipline,” Iowa Administrative Code.

These amendments establish as grounds for discipline a physician’s or surgeon’s or osteopathic physician’s or surgeon’s failure to report the physician’s or surgeon’s HIV or HBV status to an expert review panel established by a hospital and to an expert review panel established by the Department of Public Health.

The Board approved a Notice of Intended Action to amend Chapter 23 on February 11, 2011. Notice of Intended Action was published in the Iowa Administrative Bulletin on March 9, 2011, as **ARC 9415B**. A public hearing was held on March 29, 2011, from 3 to 3:30 p.m. at the Board’s office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa. No public comments were received on the proposed amendments. These amendments are identical to those published under Notice.

These amendments were adopted by the Board on June 3, 2011.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 139A.

These amendments will become effective on August 17, 2011.

The following amendments are adopted.

ITEM 1. Renumber subrules **23.1(31)** to **23.1(44)** as **23.1(34)** to **23.1(47)**.

ITEM 2. Adopt the following **new** subrules 23.1(31) to 23.1(33):

**23.1(31)** Failure by a physician with HIV or HBV who practices in a hospital setting, and who performs exposure-prone procedures, to report the physician’s HIV or HBV status to an expert review panel established by a hospital under Iowa Code section 139A.22(1) or to an expert review panel established by the department of public health under Iowa Code section 139A.22(3).

**23.1(32)** Failure by a physician with HIV or HBV who practices outside a hospital setting, and who performs exposure-prone procedures, to report the physician’s HIV or HBV status to an expert review panel established by the department of public health under Iowa Code section 139A.22(3).

**23.1(33)** Failure by a physician subject to the reporting requirements of 23.1(31) and 23.1(32) to comply with the recommendations of an expert review panel established by the department of public health pursuant to Iowa Code section 139A.22(3), with hospital protocols established pursuant to Iowa Code section 139A.22(1), or with health care facility procedures established pursuant to Iowa Code section 139A.22(2).

[Filed 6/15/11, effective 8/17/11]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/13/11.