Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 650—Chapter 32
"Mediation of Disputes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 153.33

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 153 and Executive Order 10 (January 10, 2023)

Public Hearing

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

October 22, 2024 12 noon	6200 Park Avenue Des Moines, Iowa Via video/conference call: meet.google.com/nuk-xcby-nyf Or dial: 541.838.0234 PIN: 917 400 078#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Dental Board no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.281.6352
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Purpose and Summary

This rulemaking proposes to rescind Chapter 32 implementing Iowa Code section 153.33 in accordance with the goals and directives of Executive Order 10. Iowa Code section 153.33(1) provides that the Board shall exercise the following powers:

> To initiate investigations of and conduct hearings on all matters or complaints relating to the practice of dentistry, dental hygiene, or dental assisting or pertaining to the enforcement of any provision of this chapter, to provide for mediation of disputes between licensees or registrants and their patients when specifically recommended by the board, to revoke or suspend licenses or registrations, or the renewal thereof, issued under this or any prior chapter, to provide for restitution to patients, and to otherwise discipline licensees and registrants.

More information can be found in Iowa Code section 153.33(1). Iowa Code section 153.33(1) also provides that subsequent to an investigation by the Board, "the board may appoint a disinterested third party to mediate disputes between licensees or registrants and patients. Referral of a matter to mediation shall not preclude the board from taking disciplinary action against the affected licensee or

registrant." Iowa Code section 153.33(1) also directs the Board to "promulgate rules as may be necessary to implement" Iowa Code chapter 153.

Chapter 32 was originally promulgated to implement the above-referenced law, as well as Iowa Code chapter 679. Iowa Code chapter 679 is cited throughout Chapter 32, but was repealed in 2012. Chapter 32 is outdated in light of the repeal of Iowa Code chapter 679 and is not necessary to the effective implementation of the Board's duties pursuant to Iowa Code chapter 153. Accordingly, the Board proposes rescinding Chapter 32.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

There are no costs associated with the proposed rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

Interested stakeholders (Board licensees, associations, the public) will benefit by the removal of an unnecessary and outdated chapter.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There is no impact identified for the rescission of these chapters.

- Qualitative description of impact:

There is no impact identified for the rescission of these chapters, with the exception of the benefit of removing an unnecessary and outdated chapter.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no implementation and enforcement costs by the agency or any other agency.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The benefit of the proposed rulemaking compared to inaction is to avoid confusion among the classes of persons identified as benefiting from the proposed rulemaking.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No less costly methods exist to achieve the same purpose.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Board could promulgate new rules related to the provision of mediation of disputes between licensees or registrants and their patients when specifically recommended by the Board, but such rules are unnecessary in light of Board operations and pertinent statutory and Iowa Administrative Code text.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The promulgation of new rules is unnecessary and thus rescinding Chapter 32 better effectuates the intent of Executive Order 10.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking has no different impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **650—Chapter 32**.