Regulatory Analysis

Notice of Intended Action to be published: 653—Chapters 2, 3, 12, 14, 15, 18, 25 "Public Records and Fair Information Practices; Waivers; Nonpayment of State Debt; Iowa Physician Health Committee—Iowa Physician Health Program; Child Support Noncompliance; Military Service and Veteran Reciprocity; Contested Case Proceedings"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 22, 147, 148, 148E, 252J, 272C and 272D

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 22, 147, 148, 148E, 252J and 272D and section 272C.3

Public Hearing

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

November 5, 2024 9 a.m.	6200 Park Avenue Des Moines, Iowa Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

In light of the Board of Medicine's realignment with the Department resulting from 2023 Iowa Acts, Senate File 514, the Board finds it is unnecessary and unreasonably duplicative to repromulgate these chapters. It is the Board's intent to rely on the model chapters of the Department[481]. The proposed rescission of these chapters is in line with the stated goal of Iowa Code chapter 17A to "simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions."

Chapter 2 provides guidance on public records and how individuals can receive public records from the Board. The chapter is substantially similar to 481—Chapter 5, which the Board will adopt by reference and utilize for the purposes of public records.

Chapter 3 provides guidance to the public and licensees on when and how to request a waiver of an administrative rule. The chapter is substantially similar to 481—Chapter 6, which will be utilized by the Board for waivers.

Chapter 12 implements Iowa Code chapter 272D, which provides for procedures when a license may be denied, suspended or revoked for nonpayment of a state debt and child support obligations.

This chapter is substantially similar to 481—Chapter 8, which will be utilized by the Board for these procedures.

Chapter 14 creates the Iowa Physician Health Program and Committee. This is a confidential program to ensure that licensees are safe to practice their profession. The program provides ongoing monitoring for eligible participants. This chapter is substantially similar to 481—Chapter 505, which will be utilized by the Board for its impaired practitioner program for physicians.

Chapter 15 implements Iowa Code chapter 252J and provides the process for taking action against a licensee if the licensee is not compliant with child support orders. This chapter is substantially similar to 481—Chapter 8, which will be utilized by the Board to carry out these statutory requirements.

Chapter 18 provides a mechanism for United States veterans and spouses of veterans to apply for and be granted reciprocity for licensing requirements in the state of Iowa. This chapter is substantially similar to 481—Chapter 7, which the Board will adopt by reference in place of this chapter.

Chapter 25 provides the licensee an outline of how a contested case proceeding is initiated and the rights and responsibilities of the licensee during that process. The Board intends to rescind this chapter and adopt by reference 481—Chapter 506, which is a model rules chapter and substantially similar to this chapter.

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 this proposed rulemaking. The Board is leveraging this opportunity to remove duplication among administrative rules, eliminate the obsolete provisions of the rules, and streamline provisions into a single set of chapters in accordance with Executive Order 10. The Board intends to adopt by reference 481—Chapters 5, 6, 7, 8, 505, and 506, which are model rules chapters, to apply to multiple licensing boards within the Department.

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

Interested stakeholders will benefit from the removal of these chapters since the removal will prevent duplication within the rules and allow all licensing boards to utilize the same model rules. The Board is leveraging this opportunity to remove duplication among administrative rules, eliminate the obsolete provisions of the rules, and streamline provisions into a single set of chapters in accordance with Executive Order 10. The Board intends to adopt by reference 481—Chapter 5, 481—Chapter 6, 481—Chapter 7, 481—Chapter 8, 481—Chapter 505, and 481—Chapter 506, which are model rules chapters, to apply to multiple licensing boards within the department.

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.

3. Costs to the State:

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

There are no implementation or enforcement costs anticipated 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 duplication and redundancy in the Iowa Administrative Code.

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

No alternative 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:

No alternative methods were identified or considered.

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

No alternative method was identified that would be any more efficient than this method of rulemaking.

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 impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **653—Chapter 2**.

ITEM 2. Rescind and reserve **653—Chapter 3**.

ITEM 3. Rescind and reserve **653—Chapter 12**.

ITEM 4. Rescind and reserve **653—Chapter 14**.

ITEM 5. Rescind and reserve **653—Chapter 15**.

ITEM 6. Rescind and reserve **653—Chapter 18**.

ITEM 7. Rescind and reserve **653—Chapter 25**.