Regulatory Analysis

Notice of Intended Action to be published: 653—Chapter 8
"Fees"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147, 148 and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 147, 148 and 272C

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

The purpose of this proposed rulemaking is to establish fees for physicians, acupuncturists, and genetic counselors. Fees include initial licensing, renewal, late fees, and reinstatement fees.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Costs are not generally incurred by the public related to Chapter 5. Licensees incur costs through the licensing fees as established in this chapter, which include fees related to applications for initial licensing, renewal of licenses, late renewal of licenses, temporary licenses (if permitted by statute), reactivation of a license, purchasing a duplicate certificate, and returned check fees.

The professional licensing fees go to the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557, to support the work of the boards. Fees provide support for all functions that are within the authority of boards, including licensing, investigations, continuing education, administrative support to boards including rulemaking and rule waivers, board discipline, outreach to professional associations and other members of the public, disciplinary hearing fees, examination fees (if applicable), and verification of license fees.

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

Licensees benefit from this chapter because it establishes set amounts for licensing fees for the profession.

The Department benefits because the licensing fees are paid to the fund to cover the costs of the operations of the regulated professional licensing boards.

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:

Licensees must pay a fee at the time of initial application for license as well as at renewal. The licensing fees are paid into the fund, which funds the operations of the boards. A cost comparison of license fees to nearby states can be found at www.fsmb.org/siteassets/advocacy/regulatory/licensure/licensure-fees-and-requirements-not-including-usmle-or-nbome-examination-fees.pdf.

- Qualitative description of impact:

A review of licensing and renewal fees in surrounding states shows that Iowa's fees are generally in line with the other states. The fees are necessary to provide funds to support Board of Medicine operations so that the Board can ensure Iowans receive competent and safe services. The Board is participating in the licensing fee study pursuant to 2024 Iowa Acts, Senate File 2385.

3. Costs to the State:

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

Staff process licenses, provide administrative support to the Board for the decisions the Board is authorized to make pursuant to the Iowa Code, investigate complaints, assist with disciplinary action when needed, and monitor licensees under Board order or in confidential health monitoring programs. Staff salaries to support the work of the Board are covered by the fund. There are approximately 15.0 full-time equivalent (FTE) positions that support the work of the Board. The board licenses and regulates over 17,000 licensees. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues from this rulemaking. Staff salaries to support the work of the Board are covered by the fund. Licensing fees are paid into the fund to cover the operation costs of the boards.

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

The licensing fees are paid into the fund to cover the costs of operation of the professional licensing boards. An alternative to licensing fees would be reducing or eliminating the fee or license requirement. Without the licensing fee, the boards would not have the financial resources necessary to carry out their work to protect the public's health and safety.

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

A less restrictive alternative would be to lower licensing fees or eliminate licensure for specific professions. Less restrictive forms of regulation include a registration, certification, or registry. There are typically fewer requirements to a registration, certification or registry, which means operational costs, and therefore fees, can be lowered. While these are options that exist for consideration, the Board believes that Iowa's regulatory scheme, as it exists today, is important and necessary because it provides safeguards to the public. Fiscal year 2024 was the first fiscal year where professional licensing board fees were collectively pooled in the fund to support the cost of regulating the professions. This new model may allow for additional assessment of licensing board budgets and operational needs.

The Board is participating in the licensing fee study pursuant to 2024 Iowa Acts, Senate File 2385.

The Department's Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards.

6. Alternative methods considered by the agency:

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

A less restrictive alternative would be to lower licensing fees or eliminate licensure for specific professions. Less restrictive forms of regulation include a registration, certification, or registry. There are typically fewer requirements to a registration, certification or registry, which means operational costs, and therefore fees, can be lowered.

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

The Board believes that Iowa's regulatory scheme, as it exists today, is important and necessary because it provides safeguards to the public.

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 boards believe the fees for licensing should be the same for each licensee in a particular profession. If the individual licensee finds a rule to be overly burdensome and the goals of which could be achieved in a manner that results in less impact on the small business, the licensee utilizes the Department's established waiver process.

Text of Proposed Rulemaking

ITEM 1. Rescind 653—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
FEES

653—8.1(147,148,272C) Definitions.

"Board" means the Iowa board of medicine.

"Online transaction fee" means a fee of $7 assessed by the board for completing an online purchase. The online transaction fee is in addition to the actual service provided.

653—8.2(147,148,272C) Application and licensure fees for acupuncturists.

8.2(1) The fees are as follows:

a. Initial application fee for licensure as an acupuncturist, $300.

b. Reactivation of application for licensure, $100.

c. Renewal fee for licensure as an acupuncturist, $300.

d. Fee for the evaluation of the fingerprint packet and the division of criminal investigation (DCI) and Federal Bureau of Investigation (FBI) criminal history background checks, $45.

e. Fee for reapplication of an acupuncture license, $400.

f. Penalty for failure to renew before expiration, $50.

8.2(2) Upon written request and payment of the designated fee, the board shall provide the following information about the status of an acupuncturist's license or acupuncturist's past registration:

a. Certified statement that verifies the status of licensure or past registration in Iowa that requires the board seal or a letter of good standing, $25.

b. Verification of the status of licensure or past registration in Iowa that does not require a certified statement or letter, $20.

653—8.3(147,148,272C) Interstate medical licensure compact (IMLC) fees.

8.3(1) *Service fee for an application for an IMLC letter of qualification.* The service fee is paid directly to the interstate medical licensure compact commission. The interstate commission retains a portion of this service fee and remits a portion of this service fee to the board. The service fee paid to the interstate commission includes the $45 fee for the evaluation of the fingerprint packet and the criminal history background checks by the DCI and the FBI.

8.3(2) *Licensure fee for an Iowa license issued through the IMLC.* The licensure fee is paid directly to the interstate medical licensure compact commission. An applicant shall pay a licensure fee of $450 plus a service fee retained by the interstate commission.

8.3(3) *Licensure fee for renewal of active Iowa license issued through the IMLC.* The licensure fee is paid directly to the interstate medical licensure compact commission. The licensee shall pay the licensure fee described in subparagraph 8.4(1)*"c"*(1) plus a service fee retained by the interstate commission. If the license is not renewed prior to expiration, the licensee will incur a penalty as described in paragraph 8.4(1)*"d."*

653—8.4(147,148,272C) Application and licensure fees to practice medicine and surgery or osteopathic medicine and surgery or administrative medicine.

8.4(1) Fees for permanent licensure.

a. Initial licensure, $450 plus the $45 fee for evaluation of the fingerprint packet and the criminal history background checks by the DCI and FBI.

b. Reactivation of application for licensure, $150.

c. Renewal of an active license to practice.

(1) $550 if renewal is made via paper application, or $450 if renewal is made via online application, per biennial period or a prorated portion thereof if the current license was issued for a period of less than 24 months.

(2) No renewal fee if a physician was on active duty in the U.S. armed forces, reserves or national guard during the renewal period. "Active duty" means full-time training or active service in the U.S. armed forces, reserves or national guard.

d. Penalty for failure to renew before expiration, $100 per calendar month after the expiration date of the license up to $200.

e. Placing a license on inactive status or allowing a license to become inactive, no fee.

f. Reactivation of a license to practice one year or more after becoming inactive, $500 plus the $45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

g. Reactivation of a license within one year of becoming inactive, $550 except when the license in the most recent license period had been granted for less than 24 months. In that case, the reinstatement fee is prorated according to the date of issuance and the physician's month and year of birth.

8.4(2) Fees for resident physician licensure.

a. Application for a resident physician license, $100 plus the $45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

b. Extension of a resident physician license, $25.

c. Late fee for extension of a resident physician license, $50, to be paid in addition to the extension fee.

8.4(3) Fees for special physician licensure.

a. Application for a special physician license, $300 plus the $45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

b. Renewal of a special physician license, $200.

8.4(4) Fees for temporary physician licensure.

a. Application for a temporary physician license, $100 plus the $45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks.

b. Renewal of a temporary physician license, $50.

8.4(5) Fee for photocopy of a licensure application, $20.

8.4(6) Fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks, $45.

653—8.5(147,148,272C) Fees for verification of physician licensure and certification of examination scores.

8.5(1) *Verification fees.*

a. Physicians shall use VeriDoc to secure a certified statement that verifies Iowa licensure status for any state medical board that accepts VeriDoc. VeriDoc is accessible at www.veridoc.org. The fee for this service is $30.

b. A physician who needs a certified statement that verifies Iowa licensure status for a state medical board that does not accept verification from VeriDoc shall make a written request for a certified statement with payment of a $30 verification fee to the board of medicine. The board shall provide a certified statement that verifies Iowa licensure status to the nonaccepting state medical board.

c. The fee for verification of Iowa licensure status that does not require a certified statement or letter is $15.

d. The board provides an electronic verification service whereby users can input the licensee's license number to learn the licensee's current licensure status. There is no fee for this service. The board shall provide a license number for an individual caller to use in the automated telephone or electronic verification service. Businesses that utilize verifications will be required to utilize the automated telephone or electronic verification service or the alternative outlined in paragraph 8.5(1) *"c."*

8.5(2) *Fees for certification of physician examination scores.* Upon request and payment of the designated fee, the board may provide certification of scores of an examination given by the board in Iowa as permitted under Iowa Code section 147.21 and 653—paragraph 2.13(2)*"f."* The scores available from the board are those from examinees who took the state-constructed examination.

a. Certified statement of grades attained by examination, $45.

b. Certified statement of grades attained by examination including examination history or additional documentation, $55.

653—8.6(147,148,272C) Public records.

8.6(1) *Public records available at no cost.* The following records are available at no cost to the public:

a. Public action taken by the board against a licensee may be found under the licensee's name on the board's website under "Find A Physician." Public actions are posted on the board's website within approximately one week after the board has taken action.

b. Electronic files of press releases, statements of charges, final orders and consent agreements from each board meeting are available on the board's website.

8.6(2) *Purchase of public records.* Public records are available according to 481—Chapter 5.

653—8.7(147,148,272C) Licensee data list. A data list of all physicians and acupuncturists includes the following information about each licensee: full name, year of birth, work address and telephone number (or other contact information on file if licensee's work address and telephone number are not

available), Iowa county (if applicable), medical school (if applicable), year of graduation from medical school (if applicable), two medical specialties (if available), license issue date, license expiration date, license number, license type, license status, and an indicator of whether the board has taken any public action on the license. There is no fee for an electronic file of this list. A printed copy of the data list is available for a fee.

653—8.8(147,148,272C) Returned checks. The board will charge a fee of $25 for a check returned for any reason. If a license had been issued by the board office based on a check that is later returned by the bank, the board shall request payment by certified check or money order. If the fees are not paid within two weeks of notification of the returned check by certified mail, the licensee shall be subject to disciplinary action for noncompliance with board rules.

653—8.9(147,148,272C) Copies of the laws and rules. Electronic copies of laws and rules pertaining to the practice of medicine or acupuncture are available at www.legis.iowa.gov at no cost. Printed copies of these laws and rules are available for a fee.

653—8.10(147,148,272C) Refunds. Application and licensure fees will be collected by the board and are not refundable except by board action in unusual instances.

653—8.11(17A,147,148,272C) Waiver prohibited. Licensure and examination fees in this chapter are not subject to waiver.

653—8.12(8,147,148,272C) Monitoring fee. The board may require payment of up to $300 per quarter to cover the board's expenses to monitor a licensee's compliance with a settlement agreement or final decision and order.

653—8.13(147,148,272C) Application and licensure fees for genetic counselors.

8.13(1) The fees are as follows:

a. Initial application fee for licensure, $200.

b. Reactivation of application for licensure, $100.

c. Renewal of an active license, $200.

d. Penalty for failure to renew before expiration, $50.

e. Fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks, $45.

f. Fee for reactivation of a license, $300.

8.13(2) Upon written request and payment of the designated fee, the board shall provide the following information about the status of a genetic counselor's license:

a. Certified statement that verifies the status of licensure in Iowa that requires the board seal or a letter of good standing, $25.

b. Verification of the status of licensure in Iowa that does not require a certified statement or letter, $20.

These rules are intended to implement Iowa Code sections 147.11, 147.80, 148.3, 148.5, 148.10, and 148.11.