

VETERINARY MEDICINE BOARD[811]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 811—Chapter 13
“Collection Procedures”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 169.5
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 169

Public Hearing

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

November 13, 2023
9 a.m.

Second Floor Conference Room
Wallace State Office Building
Des Moines, Iowa

Public Comment

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

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed chapter provides for the Board to deny an applicant’s request for a license or suspend or revoke an existing license for a licensee’s failure to pay child support or taxes.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Only applicants or licensees who are delinquent on either child support or taxes will bear the costs of the proposed rulemaking.

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

Children and ex-spouses or ex-partners of applicants or licensees who are delinquent on child support payments will benefit from the proposed rulemaking. The public will benefit from the delinquent tax rules since the rules require applicants or licensees to pay taxes owed in order to obtain or retain a license and be employed, which will also generate more revenue for the State to perform its essential services and eliminate the need to obtain those tax dollars elsewhere.

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 little, if any, quantitative or qualitative impact of the proposed rules since the rules apply only to applicants or licensees who are delinquent on either child support or taxes.

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3. Costs to the State:

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

The costs would be limited to time spent by the Board and the Board's staff reviewing and enforcing referrals from Iowa's Child Support Recovery Unit and the Department of Revenue.

- Anticipated effect on state revenues:

The impact on state revenues would be minimal, if any, since the proposed rules may also increase state revenues by requiring an applicant or licensee to remedy delinquent taxes.

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

The costs are minimal, if any, and failure to have a process to deny a license or discipline an existing licensee for failing to pay child support or taxes would negatively impact children, ex-spouses or ex-partners, and the State by allowing persons to work in a profession while avoiding court-ordered and/or statutorily required payments.

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

There does not appear to be any less costly method because the process is specifically required and detailed in statute.

6. Alternative methods considered by the agency:

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

There does not appear to be any less costly method because the process is specifically required and detailed in statute.

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

There does not appear to be any less costly method because the process is specifically required and detailed in statute.

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?

Only applicants or licensees who are delinquent on child support or taxes would bear any costs under these proposed rules, and there do not appear to be any additional impacts on small business where the licensee is delinquent on such court-ordered or statutorily required payments.

Text of Proposed Rulemaking

- ITEM 1. Rescind 811—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13 COLLECTION PROCEDURES

811—13.1(169,252J,272D) Licensing actions. In addition to other reasons specified by statute or rule, the board will refuse to issue a credential or may revoke, suspend, or not renew any credential for which it has jurisdiction if the board is in receipt of a certificate of noncompliance from the child support recovery unit pursuant to the procedures set forth in Iowa Code chapter 252J or from the centralized collection unit of the department of revenue pursuant to the procedures set forth in Iowa Code chapter 272D.

An applicant or credential holder whose application is denied or whose credential is denied, suspended, or revoked because of receipt by the board of a certificate of noncompliance issued by the child support recovery unit or by the centralized collection unit of the department of revenue is subject to the provisions of rule 811—13.1(169,252J,272D). Procedures specified in 811—Chapter 10 for contesting board actions do not apply.

811—13.2(169,252J,272D) Collection procedures. The following procedures apply to actions taken by the board on a certificate of noncompliance pursuant to Iowa Code chapter 252J or 272D:

13.2(1) The notice mandated by Iowa Code section 252J.8 or 272D.8 will be served upon the applicant or credential holder by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the applicant or credential holder may accept service personally or through authorized counsel.

13.2(2) The effective date of revocation or suspension of a credential or the denial of the issuance or renewal of a credential, as specified in the notice mandated by Iowa Code section 252J.8 or 272D.8, is 60 days following service of the notice upon the credential holder or applicant.

13.2(3) Applicants and credential holders shall keep the board informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J or the centralized collection unit actions taken in connection with Iowa Code chapter 272D. Applicants and credential holders shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9 or 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit or by the centralized collection unit of the department of revenue.

13.2(4) All board fees for applications, credential renewals or reinstatements will be paid by the applicant or credential holder before a credential will be issued, renewed or reinstated after the board has denied the issuance or renewal of a credential or has suspended or revoked a credential pursuant to Iowa Code chapter 252J or 272D.

13.2(5) If an applicant or credential holder timely files a district court action following service of a board notice pursuant to Iowa Code sections 252J.8 and 252J.9 or Iowa Code sections 272D.8 and 272D.9, the board will continue with the intended action described in the notice upon receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For the purpose of determining the effective date of revocation or suspension, or denial of the issuance or renewal of a credential, the board will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

These rules are intended to implement Iowa Code chapters 169, 252J and 272D.