

# VETERINARY MEDICINE BOARD[811]

## Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 811—Chapter 3  
“Declaratory Orders”

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  
10 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](mailto:colin.tadlock@iowaagriculture.gov)

## Purpose and Summary

Proposed Chapter 3 provides the public with information about how to petition the Board for a declaratory order.

### Analysis of Impact

#### 1. Persons affected by the proposed rulemaking:

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

Only citizens or groups that seek to prepare and file a petition for a declaratory order would bear any costs under this rulemaking, and those costs would be limited to the time/resources necessary to draft a petition.

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

The public and regulated community will benefit from the proposed rulemaking because it provides a specific process by which they can seek a declaratory order from the Board.

#### 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 impact from the proposed rulemaking because only citizens or groups that seek to prepare and file a petition for a declaratory order would bear any costs, and those costs would be limited to the time/resources necessary to draft a petition.

- Qualitative description of impact:

There is little, if any, qualitative impact from the proposed rulemaking because only citizens or groups that seek to prepare and file a petition for a declaratory order would bear any costs, and those costs would be limited to the time/resources necessary to draft a petition.

#### 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 staff reviewing petition(s) for declaratory order(s).

- 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:

Failure to have a specific process for petitioning for declaratory orders could lead to increased costs or burdens to the Board and State since more staff time would be required to answer questions from the public and regulated community about how to petition the Board for a declaratory order, which could also increase the costs or time required by the public or licensees to properly prepare a petition for declaratory orders.

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 for petitioning the Board for declaratory orders needs to be included in Chapter 3 to properly inform the public and regulated community about the process. In order to promote efficiency and reduce costs, the Board adopted by reference the Uniform Rules on Agency Procedure related to petition for declaratory orders.

6. Alternative methods considered by the agency:

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

No alternative methods were considered.

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

No alternative methods were considered.

### 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 citizens or groups that seek to prepare and file a petition for declaratory order would bear any costs under this rulemaking, and there does not appear to be any additional impact on small business to prepare a petition for declaratory order.

### Text of Proposed Rulemaking

ITEM 1. Rescind 811—Chapter 3 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 3 DECLARATORY ORDERS

The veterinary medicine board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf) on the general assembly's website

**811—3.1(17A,169,272C) Petition for declaratory order.** In lieu of “(designate agency)”, insert “board of veterinary medicine (hereinafter referred to as “the board”)”. In lieu of “(designate agency)” the subsequent times the words are used, insert “board”. In lieu of “(designate office)”, insert “State Veterinarian’s Office, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”. In lieu of “(AGENCY NAME)”, insert “BOARD OF VETERINARY MEDICINE”.

**811—3.2(17A,169,272C) Notice of petition.** In lieu of “\_\_\_\_\_ days (15 or less)”, insert “15 days”. In lieu of “(designate agency)”, insert “board”.

**811—3.3(17A,169,272C) Intervention.**

**3.3(1)** In lieu of “\_\_\_\_\_ days”, insert “20 days”.

**3.3(2)** In lieu of “(designate agency)”, insert “the board”.

**3.3(3)** In lieu of “(designate office)”, insert “the state veterinarian’s office at the department of agriculture and land stewardship in the Wallace State Office Building”. In lieu of the words “(designate agency)”, insert “board”. In lieu of “(AGENCY NAME)”, insert “BOARD OF VETERINARY MEDICINE”.

Delete paragraph 6 and insert in lieu thereof the following:

“6. A statement that the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.”

**811—3.4(17A,169,272C) Briefs.** In lieu of “(designate agency)”, insert “board”.

**811—3.5(17A,169,272C) Inquiries.** In lieu of “(designate official by full title and address)”, insert “the State Veterinarian, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”.

**811—3.6(17A,169,272C) Service and filing of petitions and other papers.**

**3.6(2)** In lieu of “(specify office and address)”, insert “the State Veterinarian, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”. In lieu of the words “(agency name)”, insert “board”.

**3.6(3)** In lieu of the words “(uniform rule on contested cases X.12(17A))”, insert “rule 811—10.23(17A,169,272C)”.

**811—3.7(17A,169,272C) Consideration.** In lieu of “(designate agency)”, insert “board”.

**811—3.8(17A,169,272C) Action on petition.**

**3.8(1)** In lieu of “(designate agency head)”, insert “the chairperson of the board”.

**3.8(2)** In lieu of “(contested case uniform rule X.2(17A))”, insert “rule 811—10.14(17A,169,272C)”.

**811—3.9(17A,169,272C) Refusal to issue order.**

**3.9(1)** In lieu of “(designate agency)”, insert “board”.

**811—3.12(17A,169,272C) Effect of a declaratory order.** In lieu of “(designate agency)”, insert “board”. Delete the words “(who consent to be bound)”.

These rules are intended to implement Iowa Code chapters 17A, 169, and 272C.