

VETERINARY MEDICINE BOARD[811]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 811—Chapter 4
“Agency Procedure for Rulemaking”

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

Purpose and Summary

Proposed Chapter 4 provides the public with information about the Board’s process for adopting rules.

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 participate in the rulemaking process will bear the costs, and those costs will be limited to the time/resources necessary to comment on proposed rules.

- 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 participate in the Board’s rulemaking process.

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 participate in the rulemaking process would bear any costs, and those costs would be limited to the time/resources necessary to comment on proposed rules.

- Qualitative description of impact:

There is little, if any, qualitative impact from the proposed rulemaking because only citizens or groups that seek to participate in the rulemaking process would bear any costs, and those costs would be limited to the time/resources necessary to comment on proposed rules.

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 preparing proposed rules and engaging in the rulemaking process.

- 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 engaging in rulemaking could lead to increased costs or burdens to the Board and State because more staff time will be required to prepare proposed rules and engage in the rulemaking process, and inconsistency in the rulemaking process could jeopardize the validity of any rules that are promulgated.

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 rulemaking process needs to be included in Chapter 4 to properly inform the public and regulated community about how to participate in the process. In order to promote efficiency and reduce costs, the Board adopted by reference the Uniform Rules on Agency Procedure related to agency procedure for rulemaking.

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 participate in the rulemaking process would bear any costs under this rulemaking, and there does not appear to be any additional impact on small business to participate in the process.

Text of Proposed Rulemaking

ITEM 1. Rescind 811—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4

AGENCY PROCEDURE FOR RULEMAKING

The veterinary medicine board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

811—4.1(17A,169,272C) Applicability. In lieu of “agency”, insert “the board of veterinary medicine (hereinafter referred to as “the board”)”.

811—4.3(17A,169,272C) Public rulemaking docket.

4.3(2) In lieu of “(commission, board, council, director)”, insert “board”.

811—4.4(17A,169,272C) Notice of proposed rulemaking.

4.4(3) In lieu of “(specify time period)”, insert “one year”.

811—4.5(17A,169,272C) Public participation.

4.5(1) In lieu of “(identify 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”.

4.5(5) In lieu of “(designate office and telephone number)”, insert “the state veterinarian office at 515.281.8617”.

811—4.6(17A,169,272C) Regulatory analysis.

4.6(2) In lieu of “(designate office)”, insert “state veterinarian’s office”.

811—4.10(17A,169,272C) Exemptions from public rulemaking procedures.

4.10(2) This subrule is not adopted.

811—4.11(17A,169,272C) Concise statement of reasons.

4.11(1) In lieu of “(specify the 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”.

811—4.13(17A,169,272C) Agency rulemaking record.

4.13(2) In lieu of “(agency head)”, insert “chairperson of the board”.

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