Regulatory Analysis

Notice of Intended Action to be published: 655—Chapter 1
"Administrative and Regulatory Authority"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 147, 152, 152E, and 272C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, 152, 152E and 272C

Public Hearing

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

November 19, 2024	6200 Park Avenue
9:30 a.m.	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:

Emily DeRonde
6200 Park Avenue
Des Moines, Iowa 50321
Email: emily.deronde@dia.iowa.gov

Purpose and Summary

This proposed rulemaking provides an outline of the administrative authority of the Board of Nursing. This authority includes organization of the Board, Board meetings, Board office and communications from the Board.

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 to the public to comply with this rulemaking.

The agency incurs costs in the form of staff to support the work of the Board. Staff salaries are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards. There is also a cost for Board members to attend regular Board business consisting of a $50 per diem for each Board member plus travel expenses.

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

The Board's work serves to protect the public health and safety. This rulemaking provides an overview of the work the Board regularly engages in. Additionally, the rulemaking sets the meetings and structure of the Board. The open session meetings provide an opportunity for the public to participate in the discussion of matters of public concern.

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:**

The Board licenses and regulates over 74,000 nursing licenses. In order to regulate the profession as directed in the Iowa Code, administrative processes are needed to properly issue licenses, investigate complaints, and run audits on compliance with Board rules.

- **Qualitative description of impact:**

Iowa statutes require the regulation and licensing of nursing professionals to ensure the health and safety of members of the public who are receiving services and care from the licensed professionals. This rulemaking provides the administrative and regulatory authority for the Board to ensure rules are being utilized and complied with by licensees.

3. **Costs to the State:**

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

There are no costs to the public to comply with this rulemaking. The agency incurs costs in the form of staff to support the work of the Board. Staff salaries are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards. There are costs paid to the Board members to attend regular Board business consisting of a $50 per diem for each Board member and travel expenses.

- **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:**

Costs are not generally incurred by the public related to this rulemaking. Licensees may incur costs related to initial and renewal licensing fees; duplicate certificates; or completing a physical, mental, substance abuse, or clinical competency examination as ordered by a board. The benefit of the rulemaking is achieved as Board administrative processes and expectations of licensees are established within the rulemaking in accordance with statute.

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

The Department's Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize Board processes across all professional licensing boards. The Department has not identified any less costly or less intrusive methods for achieving the purpose of this rulemaking.

6. **Alternative methods considered by the agency:**

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

The Department's Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards. The Department has not identified any less costly or less intrusive methods for achieving the purpose of this rulemaking.

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

The Department's Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards. The Department has not identified any less costly or less intrusive methods for achieving the purpose of this 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 rules publicly outline administrative processes of the professional licensing boards. These administrative rules apply equally to all businesses. If a small business identifies a rule that is overly burdensome and the goals of which could be achieved in a manner that would reduce the impact on the small business, it may utilize the Department's established waiver process.

Text of Proposed Rulemaking

ITEM 1. Rescind 655—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ADMINISTRATIVE AND REGULATORY AUTHORITY

655—1.1(17A,147,152,152E,272C) Description and organization of the board.

1.1(1) *Board composition.* The composition of the board is established in Iowa Code section 147.14.

1.1(2) *Board leadership and committees.* The board annually selects a chairperson and a vice chairperson from its own membership. The election of chairperson and vice chairperson, as well as standing committee assignments, is done during the first regularly scheduled meeting after May 1.

1.1(3) *Board authority.* The board's authority for regulating nursing education, nursing practice, and continuing education for nurses in the state of Iowa is found in Iowa Code chapters 147, 147A, 152, 152E, and 272C.

655—1.2(17A,152,152E,272C) Responsibilities. The responsibilities of the board include but are not limited to:

1. Licensing qualified applicants for the practice of nursing by examination, endorsement, renewal, and compact privilege pursuant to Iowa Code chapters 147, 152, 152E, and 272C.
2. Conducting investigations and imposing discipline for violations of statutes or rules related to the practice of nursing pursuant to Iowa Code chapters 147, 152, and 272C.
3. Approving nursing education programs pursuant to Iowa Code section 152.5.
4. Collecting, analyzing, and disseminating nursing workforce data pursuant to Iowa Code section 152.4.
5. Overseeing the nursing profession through policymaking and rulemaking.

655—1.3(17A,272) Submission of requests, obtaining information, and board office. Members of the general public may obtain information or submit requests or complaints relative to the licensure of nursing, practice of nursing, nursing education, continuing education, or any other matters relating to the function and authority of this board. Correspondence should be submitted to the executive director at the board office. The board office is located at 6200 Park Avenue Suite 100, Des Moines, Iowa 50321.

655—1.4(17A,21) Meetings.

1.4(1) *Quorum.* A majority of the members of the board constitutes a quorum.

1.4(2) *Meeting schedule and public notice.* The board will schedule and hold regular meetings. The date, time, and location of each meeting of the board will be made available to the public on the board's website and upon request by contacting the board office.

1.4(3) *Special meetings.* Special meetings of the board may be called by the chairperson or upon request of four board members to the chairperson or the executive director.

1.4(4) *Meeting materials.* Materials received at the board office at least three weeks prior to a scheduled board meeting may be placed on the agenda. Materials from emergency or unusual circumstances may be added to the agenda with the chairperson or executive director's approval.

1.4(5) *Public observation and comment.* The board will provide a means for members of the public to observe and, when appropriate, offer public comment during board meetings unless the board votes to hold a closed session.

a. Anyone who has submitted materials for the agenda or whose presence has been requested by the board will be given the opportunity to address the board.

b. At every regularly scheduled board meeting, time will be designated for public comment. During the time on the agenda for public comment, anyone may speak for up to two minutes per person. Requests to speak at a later time for two minutes per person when a particular topic comes before the board should be made at the time for public comment and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted to public comment at any one time unless the chairperson indicates otherwise.

c. An individual who has not asked to address the board during the time for public comment may be recognized by the chairperson upon request. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

655—1.5(147,152,272C) Communications. The board may issue or disseminate communications as a means to provide information to licensees and the general public related to the mission and responsibilities of the board. Board communications may include but are not limited to publishing updates on its website, issuing a newsletter, and other written, audio, or video methods of communication.

655—1.6(17A,272C) Adoption of uniform and model rules. The board hereby adopts by reference the following:

1.6(1) Uniform Rules on Agency Procedure, 481—Chapters 2 through 6.

1.6(2) Military Service, Veteran Reciprocity, and Spouses of Active-Duty Service Members, 481—Chapter 7.

1.6(3) Licensing and Child Support Noncompliance, Student Loan Repayment Noncompliance, and Nonpayment of State Debt, 481—Chapter 8.

1.6(4) Model Rules for Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions, 481—Chapter 502.

1.6(5) Model Rules for Licensee Review Committee, 481—Chapter 505.

1.6(6) Model Rules for Contested Cases Before Licensing Boards, 481—Chapter 506.

These rules are intended to implement Iowa Code chapters 17A, 147, 152, 152E, and 272C.