Regulatory Analysis

Notice of Intended Action to be published: 655—Chapters 8 through 11, 13 through 15, 17 though 20 "Petitions for Rule Making, Declaratory Orders, Agency Procedure for Rule Making, Examination of Public Records, Disciplinary Hearing Costs, Fair Information Practices, Waiver Rules, Nonpayment of Child Support or State Debt, Military Service and Veteran Reciprocity, Iowa Nurse Assistance Program, Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 22, 85GA, 147, 148, 148E, 252J, 272C and 272D

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 22, 147, 148, 148E, 252J and 272D and section 272C.3

Public Hearing

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

November 19, 2024
9:30 a.m.

6200 Park Avenue
Des Moines, Iowa 50321

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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Des Moines, Iowa 50321
Email: emily.deronde@dia.iowa.gov

Purpose and Summary

In light of the Board of Nursing's realignment with the Department resulting from 2023 Iowa Acts, Senate File 514, the Board finds it is unnecessary and unreasonably duplicative to repromulgate these chapters. It is the Board's intent to rely on the model chapters of agency [481]. The proposed rescission of these chapters is in line with the stated goal of Iowa Code chapter 17A to "simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions."

Chapter 8 provides guidance to the public and licensees on the procedures to petition the Board for rulemaking. These procedures are used when the public or licensee believes a new rule should be promulgated by the Board. This chapter is substantially similar to 481—Chapter 2, which the Board will adopt by reference and utilize for petitions for rulemaking.

Chapter 9 provides guidance to the public and licensees on the procedures to petition for declaratory order from the Board. These procedures are used when the public or licensee requests a formal opinion from the Board on the interpretation of a rule. This chapter is substantially similar to 481—Chapter 3, which the Board will adopt by reference and utilize for the declaratory order process.

Chapter 10 adopts the uniform rules on agency procedure found in the Iowa Administrative Code. The chapter provides for amendments to the uniform rules to fit the purpose of the Board. This chapter is substantially similar to 481—Chapter 4, which the Board will adopt by reference.

Chapter 11 provides guidance on public records and how individuals can receive public records from the Board. The chapter is substantially similar to 481—Chapter 5, which the Board will adopt by reference and utilize for the purposes of public records.

Chapter 13 provides definitions, authority and fees for disciplinary hearings and proceedings before the Board. In light of Executive Order 10, this chapter is being rescinded and merged with 655—Chapter 4.

Chapter 14 provides guidance on fair information practices utilized by the Board. The chapter is substantially similar to 481—Chapter 5, which the Board will adopt by reference and utilize for the purposes of fair information practices.

Chapter 15 provides guidance to the public and licensees on when and how to request a waiver of an administrative rule. The chapter is substantially similar to 481—Chapter 6, which will be utilized by the Board for waivers.

Chapter 17 implements Iowa Code chapter 272D, which provides for procedures when a license may be denied, suspended or revoked for nonpayment of a state debt and child support obligations. This chapter is substantially similar to 481—Chapter 8, which will be utilized by the Board for these procedures.

Chapter 18 provides a mechanism for United States veterans and spouses of veterans to apply for and be granted reciprocity for licensing requirements in the state of Iowa. This chapter is substantially similar to 481—Chapter 7, which the Board will adopt in place of this chapter.

Chapter 19 creates the Iowa Nurse Assistance Program. This is a confidential program to ensure that a licensee is safe to practice their profession. The program provides ongoing monitoring for eligible participants. This chapter is substantially similar to 481—Chapter 505, which will be utilized by the Board for their impaired practitioner program for physicians.

Chapter 20 provides the licensee an outline of how a contested case proceeding is initiated and the rights and responsibilities of the licensee during that process. The Board intends to rescind this chapter and adopt by reference Model Rule 481—Chapter 506, which is substantially similar to this chapter.

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 associated with this proposed rulemaking. The Board is leveraging this opportunity to remove duplication between administrative rules, eliminate the obsolete provisions of the rules, and streamline provisions into a single set of chapters in accordance with Executive Order 10. The Board intends to adopt by reference 481—Chapters 2 through 8, 505, and 506, which are model rules to apply to multiple licensing boards within the Department.

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

Interested stakeholders will benefit from the removal of these chapters since the removal will prevent duplication within the Iowa Administrative Code and allow all licensing boards to utilize the same model rules. The Board is leveraging this opportunity to remove duplication between administrative rules, eliminate the obsolete provisions of the rules, and streamline provisions into a single set of chapters in accordance with Executive Order 10. The Board intends to adopt by reference 481—Chapters 2 through 8, 505, and 506, which are model rules to apply to multiple licensing boards within the Department.

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 no impact identified for the rescission of these chapters.

- **Qualitative description of impact:**

There is no impact identified for the rescission of these chapters.

3. **Costs to the State:**

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

There are no implementation or enforcement costs anticipated by the agency or any other agency.

- **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:**

The benefit of the proposed rulemaking compared to inaction is to avoid duplication and redundancy in the administrative code.

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

No alternative methods exist to achieve the same purpose.

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

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

No alternative methods were identified or considered.

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

No alternative method was identified that would be any more efficient than this method of 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 proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **655—Chapter 8**.

ITEM 2. Rescind and reserve **655—Chapter 9**.

ITEM 3. Rescind and reserve **655—Chapter 10**.

ITEM 4. Rescind and reserve **655—Chapter 11**.

ITEM 5. Rescind and reserve **655—Chapter 13**.

ITEM 6. Rescind and reserve **655—Chapter 14**.

ITEM 7. Rescind and reserve **655—Chapter 15**.

ITEM 8. Rescind and reserve **655—Chapter 17**.

ITEM 9. Rescind and reserve **655—Chapter 18**.

ITEM 10. Rescind and reserve **655—Chapter 19**.

ITEM 11. Rescind and reserve **655—Chapter 20**.