Regulatory Analysis

Notice of Intended Action to be published: 481—653.4(147,148), 481—653.6(147,148,148J), and 656.3(1)"c"(2)
"Resident, Special and Temporary Physician Licensure; Licensure of Acupuncturists"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147, 148, 148E and 272C
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 147, 148 and 148E

Public Hearing

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

December 30, 2025 8 a.m.	6200 Park Avenue Des Moines, Iowa Virtual participation information will be available on the public calendar 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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Purpose and Summary

Chapters 653 and 656 set the minimum requirements for special licensure and foreign-trained provisional licensure. These rules were reviewed and revised during the 2024 Red Tape Review process. The proposed amendments allow for an additional testing option for applicants to provide proof of English language proficiency.

Analysis of Impact

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

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

There is no direct cost to the general public, but there is a cost to the applicant to comply with the minimum requirements to enter into the profession. The applicant would also have costs related to educational requirements and examination requirements. The Board of Medicine has not identified an exact cost of education for this field because it varies depending on the school attended.

Board staff review applications for initial and renewal licenses, answer inquiries on licensing, and field phone calls. Staff salaries to support the work of the Board 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.

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

Applicants will benefit from the proposed changes because they provide more testing options to meet the requirements of English language proficiency.

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 proposed amendments provide for an additional option for English language proficiency testing, which is a requirement for applicants who are foreign-educated, foreign-trained, or both. By providing more options, the applicant will have more flexibility in testing options.

- **Qualitative description of impact:**

The OET Medicine test meets the same requirements of the other English language proficiency tests already approved by the Board.

3. **Costs to the State:**

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

There are no anticipated costs to implement or enforce the proposed amendments other than those costs already associated with licensure review. Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues. Costs associated with implementing this rulemaking are paid by the individual licensee, not the State. Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

The Board believes that current requirements ensure public safety and a minimum competency of care for Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about public safety.

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

The Board has not identified a more cost-effective alternative to licensure. The Board believes that all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans.

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

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

The Board has not identified a more cost-effective alternative to the licensure of special-licensed physicians and foreign-trained provisionally licensed physicians. The Board believes that all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario.

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

The Board has not identified a more cost-effective alternative. The proposed rulemaking provides for greater flexibility for applicants by establishing another route to proving English language proficiency for foreign-trained physicians.

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 relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. The rulemaking is meant to ensure public safety in terms of licensing requirements for physicians. While some physicians likely are running a small business of their own, some also work for large corporations and hospitals. To exempt small businesses from adhering to this rulemaking would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business. If the individual licensee finds a rule to be overly burdensome and the goals of which could be achieved in a manner that results in less impact on the small business, the licensee may utilize the Department's established waiver process.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **653.4(2)"g"** as follows:

g. Demonstrate proficiency in English by providing a valid ECFMG certificate or verification of a passing score on the Test of Spoken English (TSE) or the Test of English as a Foreign Language (TOEFL) examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test;

ITEM 2. Amend subparagraph **653.4(3)"a"(4)** as follows:

(4) Provide a valid ECFMG certificate or verification of a passing score on the TSE or TOEFL examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test;

ITEM 3. Amend paragraph **653.6(2)"f"** as follows:

f. Demonstrate proficiency in English by providing a valid ECFMG certificate or verification of a passing score on the TSE or TOEFL examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test;

ITEM 4. Amend subparagraph **653.6(3)"a"(6)** as follows:

(6) Provide a valid ECFMG certificate or verification of a passing score on the TSE or TOEFL examination administered by the Educational Testing Service or verification of a passing score on the OET medicine test; and

ITEM 5. Amend subparagraph **656.3(1)"c"(2)** as follows:

(2) An applicant who passed NCCAOM written or practical examination components in a language other than English shall pass the Test of Spoken English (TSE) or the Test of English as a Foreign Language (TOEFL) examinations administered by the Educational Testing Service or shall pass the OET medicine test.