

VETERINARY MEDICINE BOARD [811]

Rules renumbered and transferred from agency number[842] to [811] to conform with the reorganization numbering scheme in general.

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CHAPTER 1
DESCRIPTION OF ORGANIZATION AND DEFINITIONS

[Prior to 2/8/89, Veterinary Medicine, Board of[842] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—1.1(17A,169) Organization and duties. The board of veterinary medicine has a membership as established in Iowa Code section 169.5(1) “a.” One public member may be a graduate of an accredited veterinary technology program and hold a certificate of registration. The state veterinarian serves as secretary. The board may administer examinations to applicants for a license or temporary permit to practice veterinary medicine and to applicants for licenses or certificates for auxiliary personnel. The board investigates and disciplines, as necessary, persons for whom credentials have been issued or who are engaged in an activity regulated by the board.

[ARC 8010C, IAB 5/15/24, effective 7/1/24]

811—1.2(17A,169) Headquarters of the board. The official mailing address of the board is: Iowa Board of Veterinary Medicine, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053.

[ARC 8010C, IAB 5/15/24, effective 7/1/24]

811—1.3(17A,169) Meetings. The board meets once a year at its headquarters and may hold additional meetings as necessary for the purpose of administering examinations and conducting its duties. The organizational meeting is the first board meeting of the fiscal year. The fiscal year begins July 1. Three members constitute a quorum authorized to act in the name of the board.

[ARC 8010C, IAB 5/15/24, effective 7/1/24]

811—1.4(17A,169) Definitions. As used in the rules of the board, unless the context otherwise entails:

“*AAVSB*” means the American Association of Veterinary State Boards.

“*AVMA*” means the American Veterinary Medical Association.

“*AVMA-accredited*” means colleges in the United States and foreign colleges evaluated by the AVMA Council on Education and found to meet accreditation standards as published.

“*AVMA-listed*” means a foreign college recognized by the World Health Organization or the government of its own country whose graduates are eligible to practice veterinary medicine in that country and whose graduates may qualify for entrance in the ECFVG certification program.

“*Board*” means the same as defined in Iowa Code section 169.3(4).

“*Certificate of registration*” means a certificate issued by the board to a veterinary technician who has met the requirements of Iowa Code section 169.34 and rule 811—8.1(169) to perform authorized veterinary medical services to an animal patient under the supervision of a supervising veterinarian.

“*Classroom*” means any location where veterinary students are present and educational or research activities are being provided.

“*Client*” means the patient’s owner, owner’s designee, or other person responsible for the patient.

“*Client consent*” means that the licensed veterinarian has informed the client of the reasonable and usual diagnostic and treatment options available and provides an assessment of the risks and benefits of such choices, the prognosis and an estimate of the fees expected for the provision of services. The consent of the client shall be provided in verbal or written form prior to initiation of diagnostic and treatment procedures and documented in the medical record by the licensed veterinarian or veterinary auxiliary personnel. Consent is valid if it indicates that the client’s questions have been answered to the client’s satisfaction and that the client consents to the recommended treatments or procedures.

“*Credential*” means, as applicable, a certificate, license, or permit issued by the board.

“*Credential holder*” means a person who holds a certificate, license, or permit issued by the board.

“*Department*” means the Iowa department of agriculture and land stewardship.

“*ECFVG*” means the Educational Commission for Foreign Veterinary Graduates.

“*Emergency*” means that an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life or that death is imminent and action is necessary to relieve extreme pain or suffering.

“*ICVA*” means the International Council for Veterinary Assessment.

“*License*” means a credential issued by the board that permits a person to practice veterinary medicine.

“*Licensee*” means a person holding a license issued by the board.

“*NAVLE*” means the North American Veterinary Licensing Examination.

“*Patient*” means an animal or group of animals examined or treated by a licensed veterinarian.

“*PAVE*” means the Program for the Assessment of Veterinary Education Equivalence.

“*Permit*” means a temporary educational permit or a temporary in-state practice permit issued by the board pursuant to rule 811—9.1(169).

“*Permit holder*” means a person holding a permit issued by the board.

“*Physical examination*” means a veterinarian is physically proximate, hands-on to the patient and subjectively and objectively evaluates the patient’s health status through the use of observation, auscultation, palpation, percussion or manipulations, or, for a group of patients, the veterinarian is physically proximate to the group of patients and has subjectively and objectively assessed a representative sample of the patients.

“*Premises*” means the land, buildings, enclosures, and facilities operated or owned by the client where the patient or representative patients are housed, kept, located, or grazed.

“*Qualifying military service personnel*” means a person, or the spouse of that person, who is currently or who has been during the past 12 months on federal active duty, state active duty, or national guard duty and has provided sufficient documentation to the board concerning the service and, if applicable, marriage.

“*RACE*” means the Registry of Approved Continuing Education, which is the national clearinghouse for approval of continuing education providers and their programs. All RACE-approved continuing education providers and programs are listed on the American Association of Veterinary State Boards website.

“*Veterinarian*” means the same as defined in Iowa Code section 169.3(11).

“*Veterinary student certificate*” means a certificate issued by the board to a veterinary student to practice on an animal pursuant to 811—subrule 6.7(3).

“*VTNE*” means the Veterinary Technician National Examination.

“*VTSE*” means the veterinary technician state examination.

[ARC 8010C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code section 17A.3 and chapters 169 and 272C.

[Filed 3/2/78, Notice 9/21/77—published 3/22/78, effective 4/26/78]

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[Filed ARC 5638C (Notice ARC 5434C, IAB 2/10/21), IAB 6/2/21, effective 7/7/21]

[Filed Emergency ARC 6397C, IAB 7/13/22, effective 6/14/22]

[Filed ARC 6523C (Notice ARC 6403C, IAB 7/13/22), IAB 9/21/22, effective 10/26/22]

[Filed ARC 8010C (Notice ARC 7556C, IAB 1/24/24), IAB 5/15/24, effective 7/1/24]

CHAPTER 2
PETITIONS FOR RULEMAKING
[Prior to 2/8/89, Veterinary Medicine, Board of[842] 1.4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

The board of veterinary medicine hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website, with the addition of new rule 811—2.5(17A).

[ARC 8011C, IAB 5/15/24, effective 7/1/24]

811—2.1(17A) Petition for rulemaking. In lieu of “(designate office)”, insert “Board of Veterinary Medicine at the Iowa Department of Agriculture and Land Stewardship, State Veterinarian, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”. In lieu of “(AGENCY NAME)”, insert “BOARD OF VETERINARY MEDICINE”.

[ARC 8011C, IAB 5/15/24, effective 7/1/24]

811—2.3(17A) Inquiries. In lieu of “(designate official by full title and address)”, insert “the State Veterinarian, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”.

[ARC 8011C, IAB 5/15/24, effective 7/1/24]

811—2.5(17A) Petitions received by the department. If, pursuant to rule 21—3.5(17A), the secretary of agriculture receives and forwards a petition for rulemaking that is not within the rulemaking power of the secretary but that is within the rulemaking power of the board, the petition will be accepted for action by the board.

[ARC 8011C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code chapter 17A.

[Filed 3/2/78, Notice 9/21/77—published 3/22/78, effective 4/26/78]

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[Filed ARC 8011C (Notice ARC 7557C, IAB 1/24/24), IAB 5/15/24, effective 7/1/24]

CHAPTER 3
DECLARATORY ORDERS

[Prior to 2/8/89, Veterinary Medicine, Board of[842] 1.5]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

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 on the general assembly's website.

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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”.

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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”.

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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.”

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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”.

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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)”.

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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)”.
[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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

3.9(1) In lieu of “(designate agency)”, insert “board”.
[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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)”.

[ARC 8012C, IAB 5/15/24, effective 7/1/24]

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

[Filed 3/2/78, Notice 9/21/77—published 3/22/78, effective 4/26/78]

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[Filed ARC 8012C (Notice ARC 7558C, IAB 1/24/24), IAB 5/15/24, effective 7/1/24]

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

[Prior to 2/8/89, Veterinary Medicine, Board of[842] 1.4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

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.

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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

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

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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

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

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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”.

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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

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

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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

4.10(2) This subrule is not adopted.

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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”.

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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

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

[ARC 8013C, IAB 5/15/24, effective 7/1/24]

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

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CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

The board of veterinary medicine hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website, with the addition of new rules 811—5.9(17A,22) through 811—5.16(17A,22).

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.1(17A,22) Definitions. In lieu of “(official or body issuing these rules)”, insert “board of veterinary medicine”.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.3(17A,22) Requests for access to records.

5.3(1) Location of record. In lieu of “(insert agency head)”, insert “state veterinarian as secretary of the board of veterinary medicine”. In lieu of “(insert agency name and address)”, insert “Board of Veterinary Medicine, State Veterinarian, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”.

5.3(2) Office hours. In lieu of the parenthetical statement, insert “8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays”.

5.3(7) Fees.

a. When charged. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

c. Supervisory fee. In lieu of “(specify time period)”, insert “one-half hour”.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of “(designate office)”, insert “the board of veterinary medicine”.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.9(17A,22) Disclosures without the consent of the subject.

5.9(1) Open records are routinely disclosed without the consent of the subject.

5.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. The following are instances where disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 811—5.10(17A,22) or in any notice for a particular record system.

b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known address of the subject.

e. To the legislative services agency under Iowa Code section 2A.3.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.10(17A,22) Routine use.

5.10(1) “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose that is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

5.10(2) To the extent allowed by law, the following uses are considered routine uses of all agency records:

a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may, upon request of any officer or employee, or on the custodian’s own initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections, appeals, and licensing for matters in which it is performing services or functions on behalf of the agency.

d. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

e. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

f. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.11(17A,22) Consensual disclosure of confidential records.

5.11(1) *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 811—5.7(17A,22).

5.11(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official that seeks the official’s intervention on behalf of the subject in a matter that involves the agency may, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.12(17A,22) Release to subject.

5.12(1) A written request to review confidential records may be filed by the subject of the record as provided in rule 811—5.6(17A,22). The agency need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.

c. Peace officers’ investigative reports may be withheld from the subject, except as required by Iowa Code section 22.7(5).

d. Any others authorized by law.

5.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.13(17A,22) Availability of records.

5.13(1) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

5.13(2) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection:

a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)

- b. Tax records made available to the agency. (Iowa Code sections 422.20 and 422.72)
- c. Records that are exempt from disclosure under Iowa Code section 22.7.
- d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))
- e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)“d.”
- f. Those portions of agency staff manuals, instructions or other statements issued that set forth criteria or guidelines to be used by agency staff in circumstances authorized by Iowa Code sections 17A.2 and 17A.3.
- g. Records that constitute attorney work product, constitute attorney-client communications, or are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.
- h. Any other records considered confidential by law.

5.13(3) Authority to release confidential records. The agency may have discretion to disclose some confidential records that are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute that authorizes limited or discretionary disclosure as provided in rule 811—5.4(17A,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the records from inspection as provided in subrule 5.4(3).

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.14(17A,22) Personally identifiable information. The agency maintains systems of records that contain personally identifiable information. Unless otherwise stated, the authority for this agency to maintain the record is provided by Iowa Code chapter 169. The record systems maintained by the agency are:

5.14(1) Personnel files. Employees of the agency are employed through the department of agriculture and land stewardship. Through the department of agriculture and land stewardship, the agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

5.14(2) Litigation files. These files or records contain information regarding litigation or anticipated litigation, which include judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys’ notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials that are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons seeking copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court that maintains the official copy.

5.14(3) Contested case matters. These records are collected and maintained pursuant to Iowa Code sections 17A.3(1)“d,”17A.3(2), and 17A.12, and the Iowa Code sections noted in subrule 5.14(4). Contested case matters include all pleadings, motions, briefs, orders, transcripts, exhibits, and physical evidence utilized in the resolution of the matter, and may, unless released by the credential holder, be confidential as stated in subrule 5.14(4). These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

5.14(4) Credential records. Under Iowa Code chapter 169, the board regulates by license veterinarians; regulates by certificate veterinary technicians, assistants and veterinary students; and regulates by temporary permit veterinarians credentialed under Iowa Code section 169.11 and rule 811—9.1(169). Credential records include, but are not limited to, information identifying the credential holder by name or code, location, and form of business entity, including the names of corporate principals.

These records may include examinations, complaints, compliance activities and investigatory reports that are confidential. These records may include confidential information protected from disclosure under Iowa Code sections 22.7, 169.6 and 272.6. These records are maintained jointly with the department of agriculture and land stewardship. These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system.

5.14(5) *Laboratory reports.* In furtherance of licensure and certification regulation under subrule 5.14(4), the board may procure laboratory reports consisting of analytical results of samples. These records may include confidential information protected from disclosure under Iowa Code section 22.7(3), 22.7(6), or 22.7(18), as well as those provisions stated in subrule 5.14(4). These records are primarily maintained in paper copy, with some material generated or maintained in a data processing system. These records are identified by the name or code of the subject of the investigation.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.15(17A,22) Other groups of records. Other groups of records are maintained by the agency other than the records defined in rule 811—5.1(17A,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information as discussed in rule 811—5.13(17A,22). The records listed may contain information about individuals.

5.15(1) *Administrative records.* This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

5.15(2) *Publications.* The office receives a number of books, periodicals, newsletters, government documents, etc. These materials would generally be open to the public but may be protected by copyright law. Most publications of general interest are available in the state law library.

5.15(3) *Rulemaking records.* Rulemaking records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is available for public inspection.

5.15(4) *Board records.* Agendas, minutes, and materials prepared or maintained by the board are available from the office, except those records concerning closed sessions that are exempt from disclosure under Iowa Code section 21.5 or that are otherwise confidential by law. Board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not stored on an automated data processing system.

5.15(5) *Other records.* All other records that are not exempted from disclosure by law.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.16(17A,22) Data processing systems. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

811—5.17(169,252J,272D) Release of confidential licensing information for collection purposes. Notwithstanding any statutory confidentiality provision, the board may share information with the child support recovery unit or with the centralized collection unit of the department of revenue through manual or automated means for the sole purpose of identifying applicants or credential holders subject to enforcement under Iowa Code chapter 252J, 598 or 272D.

[ARC 8014C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code chapters 17A, 22, 169 and 252J.

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CHAPTER 6
APPLICATION FOR VETERINARY LICENSURE

[Prior to 2/8/89, Veterinary Medicine, Board of[842] Ch 2]
Chapter 6, Suspension or Revocation of License, rescinded IAC 2/8/89; see 811—Ch 10.

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—6.1(169) Procedure.

6.1(1) *Application to take examination.* Any person desiring to take the NAVLE in Iowa for a license to practice veterinary medicine applies to the board in accordance with the guidelines and timelines established by the ICVA. The applicant will submit proof of completing the application process with ICVA along with the administrative fee by sending the proof and fee to:

Iowa Board of Veterinary Medicine
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 E. 9th Street
Des Moines, Iowa 50319-0053

Proof of NAVLE application is to be submitted on forms provided by the board in accordance with the guidelines and timelines established by the ICVA. The completed form is to be notarized and includes one current passport size and quality photograph of the applicant. Incomplete applications will be returned to the applicant along with the tendered fee and a written statement setting forth the reasons for such rejections.

A completed form is to be accompanied by satisfactory evidence of the applicant having graduated from an AVMA-accredited school of veterinary medicine or satisfactory evidence that the applicant is expected to graduate within six months of the date of the examination.

Applications to take the NAVLE will not be accepted from any person who has previously taken and passed that examination in any jurisdiction, except on case-by-case petition to the board for good cause shown or other order of the board.

6.1(2) *License requirements.* Prior to the board's issuance of a license, the applicant will:

- a. Successfully complete the NAVLE as provided in rule 811—7.1(169);
- b. Remit the proper application fee for licensure;
- c. Graduate from:
 - (1) An AVMA-accredited school of veterinary medicine; or
 - (2) An AVMA-listed school of veterinary medicine and have received a certificate from either ECFVG or PAVE;
- d. Provide a statement indicating all jurisdictions in which the applicant is or has ever been licensed to practice veterinary medicine and consent to release to the board license information from jurisdictions in which the applicant is or has ever been licensed;
- e. Provide information or consent to the release of information pertinent to the character and education of the applicant as the board may deem necessary in order to evaluate the applicant's qualifications; and
- f. Submit evidence of having completed at least 60 hours of approved continuing education within the last three licensing years. New graduates and applicants within one year after the date of graduation are exempt from continuing education requirements for initial licensing. Applicants who apply more than one year but less than two years after the date of graduation need to complete at least 20 hours of approved continuing education. Applicants who apply more than two years but less than three years after the date of graduation need to complete at least 40 hours of approved continuing education. As used in this paragraph, "date of graduation" also includes the date of PAVE or ECFVG certification.

A license issued during a triennium, upon the applicant's completion of these requirements and payment of the prorated triennial license fee, is issued for the balance of the triennium. A license expires on June 30 of the third year of the triennium.

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.2(169) Fee schedule for veterinarians. The following fees are collected by the board and will not be refunded except by board action in unusual instances such as documented illness of the applicant, death of the applicant, inability of the applicant to comply with the rules of the board, or withdrawal of an examination application provided withdrawal is received in writing 45 days prior to the examination date. However, the state fees may be waived for qualifying military service personnel upon request. Examination fees are not transferable from one examination to another.

The fee for the NAVLE, which is utilized by the board as a part of the licensure process, is the fee charged that year by ICVA, plus an administrative fee payable to the board.

Based on the board's anticipated financial requirements, the following fees are hereby adopted:

License—application fee	\$50
NAVLE examination fee	set by ICVA
Board administrative fee for NAVLE	\$25
Triennial license	\$60
Late renewal penalty	\$100
License by endorsement—application fee.	\$50
License by verification—application fee.	\$50
Reactivation fee for lapsed or inactive license	\$100
Reinstatement fee	\$100
Duplicate license	\$15
Temporary permit	\$35
Temporary permit application fee	\$15
Official licensure verification	\$15
Charge for insufficient funds or returned checks	\$25

This rule is intended to implement Iowa Code sections 169.5 and 169.12.

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.3(169) Reactivation fee. All applications for reactivation of a lapsed or inactive license to practice veterinary medicine are filed with the secretary of the board, together with the then-current license fee, the current reactivation fee, and all applicable penalties for a lapsed or inactive license.

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.4(169) Graduates of foreign schools. Graduates of foreign veterinary schools may become eligible for examination and licensure by either of the following methods:

6.4(1) Examination eligibility through ECFVG. Graduates of foreign veterinary schools that, pursuant to the AVMA criteria, are not AVMA-accredited but are AVMA-listed may make application to take the NAVLE in this state provided that the application includes a copy of the applicant's diploma or certificate indicating the award of a degree in veterinary medicine from an AVMA-listed college and a letter from the ECFVG verifying that the applicant is or will be participating in an ECFVG certification program.

6.4(2) Licensure eligibility through ECFVG. Graduates of foreign veterinary schools that are not AVMA-accredited but are AVMA-listed will not be considered for licensing until they have received the certificate granted by the ECFVG. A license will not be issued to an applicant until the applicant submits a certified copy of the applicant's ECFVG certificate.

6.4(3) Examination eligibility through PAVE. Graduates of foreign veterinary schools may make application to take the NAVLE in this state provided that the application includes a certified copy of the applicant's diploma or certificate indicating the award of a degree in veterinary medicine from a foreign veterinary school and a letter from the AAVSB on behalf of PAVE verifying that the applicant is participating in the PAVE certification program administered by the AAVSB, and has met the requirements for taking the NAVLE.

6.4(4) Licensure eligibility through PAVE. Graduates of foreign veterinary schools will not be considered for licensing until they have received the certificate granted by PAVE. A license will not be issued to an applicant until the applicant submits a copy of the applicant's PAVE certificate.

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.5(169) License by endorsement.

6.5(1) A license by endorsement may be granted by the board pursuant to either Iowa Code section 169.10(1) or 169.10(2). An applicant may apply for a license by endorsement on a form provided by the board and pay the application fee and triennial license fee. In addition to the information specified in Iowa Code section 169.10, the applicant will supply the items referenced in paragraphs 6.1(2) “d” through “f.”

6.5(2) For an applicant with a non-Iowa license seeking licensure under Iowa Code section 169.10(1), the following applies:

a. If the applicant’s non-Iowa license was issued between December 31, 1964, and December 31, 1979, the applicant successfully completed the National Board Examination (NBE).

b. If the applicant’s non-Iowa license was issued between January 1, 1980, and December 31, 2000, the applicant successfully completed the NBE and the Clinical Competency Test (CCT).

c. If the applicant’s non-Iowa license was issued on or after January 1, 2001, the applicant successfully completed the NAVLE in accordance with rule 811—7.1(169).

6.5(3) An applicant who is a diplomate under Iowa Code section 169.10(2) will also include a copy of the applicant’s board or college specialty certificate. For the purpose of this rule, a specialty board or college means a specialty board or college that has been officially recognized by the AVMA. Changes of specialty status shall be reported to the board within 30 days of the action.

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.6(272C) Licensure by verification. Licensure by verification is available in accordance with the following:

6.6(1) Eligibility. A person may seek licensure by verification if the person is licensed in at least one other jurisdiction.

6.6(2) Board application. The applicant will submit the following:

a. A completed application for licensure by verification.

b. Payment of the application fee.

c. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant’s license, verifying that the applicant’s license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form is sent directly from the licensing authority to the board. This form is available on the board’s website.

d. A copy of the relevant disciplinary documents if another jurisdiction has taken disciplinary action against the applicant.

6.6(3) Applicants with prior discipline or pending licensing complaints or investigations. If another jurisdiction has taken disciplinary action against an applicant or if the applicant has a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will proceed according to Iowa Code section 272C.12(1) “f.”

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.7(169) Issuance of limited license; specialization.

6.7(1) The board may grant a license to practice veterinary medicine within a limited and specified scope:

a. As an option for board discipline under 811—Chapter 10.

b. To a qualified member of the faculty of the Iowa State University College of Veterinary Medicine.

c. To an applicant requesting limited or specialized status.

6.7(2) A licensed veterinarian will not claim or imply specialization unless the veterinarian is a diplomate in good standing of the respective specialty board or college recognized by the AVMA.

6.7(3) Veterinary student certificate.

a. The board may issue a veterinary student certificate to a veterinary student who is attending an AVMA-accredited college of veterinary medicine and in good academic standing, upon endorsement by the college that the student is competent to perform veterinary duties under the direction of an instructor of veterinary medicine or under the supervision of a supervising veterinarian. The college shall update the board if the veterinary student is no longer attending or in good academic standing with the school.

b. Unless extended by the board, the certificates are valid for no more than one year and expire each year on May 31. The board may grant an extension of the certificate for up to one year under extenuating circumstances.

c. Veterinary student certificate holders are barred from administering rabies vaccine to dogs as described in Iowa Code section 351.35 and signing a certificate of veterinary inspection as described in Iowa Code section 163.12.

6.7(4) Limited licensure for faculty. Faculty, not including residents or interns, at Iowa State University College of Veterinary Medicine may be issued a limited license to practice veterinary medicine. The applicant for a limited license for faculty has graduated from an AVMA-accredited or AVMA-listed school of veterinary medicine or has received a PAVE or ECFVG certificate and submitted a completed application and the necessary fees. Holders of limited licenses for faculty are limited to duties performed in the classroom during periods of employment at the college.

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.8(169) License renewal.

6.8(1) A license to practice veterinary medicine, including a limited or specialized license, is issued for a three-year period, except that new licenses issued during a triennium are issued for the balance of that triennium. A license expires on June 30 of the third year of the triennium.

6.8(2) At least two months before the end of a triennium, a renewal notice will be sent to each licensee at the last address in the board's file. Failure to receive the notice does not relieve the licensee of the obligation to pay triennium renewal fees on or before June 30.

6.8(3) The license renewal application will include a statement that certifies the jurisdictions in which the licensee is currently or has in the past been licensed to practice veterinary medicine.

6.8(4) Renewal fees shall be received by the board on or before the end of the triennium on June 30. Whenever renewal fees are not received as specified, the license lapses and the practice of veterinary medicine ceases until all renewal fees and penalty fees are received by the board.

6.8(5) If the renewal fee has not been received by the board before the license has lapsed, an application for renewal filed with the board needs to include a renewal fee in addition to the reactivation fee and the late renewal penalty fee.

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

811—6.9(169) Renewal, lapsed or inactive license. A veterinarian whose license has lapsed may renew an expired license in circumstances authorized by Iowa Code section 169.12(2). A veterinarian whose license has lapsed or has been placed on inactive status, prior to receiving active status licensure in the practice of veterinary medicine in the state of Iowa, satisfies the requirements in either subrule 6.9(1) or 6.9(2) for renewal of a lapsed or inactive license as follows:

6.9(1) *Renewal of a lapsed or inactive license.* An applicant for renewal of a lapsed or inactive license needs to do the following:

a. Submit written application for renewal of a lapsed or inactive license to the board upon forms provided by the board; and

b. Furnish evidence of compliance with continuing education requirements specified in rule 811—11.3(169).

6.9(2) *Renewal by endorsement.* An applicant for renewal by endorsement may submit an application for renewal by endorsement by following the procedures set out in rule 811—6.5(169).

[ARC 8015C, IAB 5/15/24, effective 7/1/24]

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

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CHAPTER 7
VETERINARY EXAMINATIONS

[Prior to 2/8/89, Veterinary Medicine, Board of[842] Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—7.1(169) Examination procedure. In order to successfully complete the NAVLE, an applicant will achieve the minimum passing score as determined by the ICVA. The NAVLE is prepared by the ICVA for use by the board.

7.1(1) The dates for the examination are set by the ICVA. Examinations are held at a site to be determined by the ICVA.

7.1(2) Upon request, the ICVA will attempt to provide adequate individualized testing arrangements for applicants who establish the existence of a verified disability, including a verified learning disability, consistent with the provisions of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder. Verification may be provided by a testing or evaluation agency approved by the ICVA or by a physician approved by the ICVA.

[ARC 8016C, IAB 5/15/24, effective 7/1/24]

811—7.2(169) Conduct. An examinee who violates any of the ICVA rules or instructions applicable to them may be declared by the board to have failed the examination.

7.2(1) The ability of an examinee to read and interpret instructions will be evaluated and considered by the board as part of the examination.

7.2(2) Any examinee who gives or receives unauthorized assistance in any portion of the examination may be dismissed from the examination.

7.2(3) If the examinee fails the examination and desires to take a subsequent examination, the examinee will notify the board at least 60 days prior to the first day of the next examination, will certify that the material statements contained in the original applications are currently true and correct, will supplement that information as necessary, and will pay the requisite fee.

[ARC 8016C, IAB 5/15/24, effective 7/1/24]

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

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CHAPTER 8
AUXILIARY PERSONNEL

[Prior to 2/8/89, Veterinary Medicine, Board of[842] Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—8.1(169) Registered veterinary technician—certificate of registration.

8.1(1) In addition to the requirements set forth in Iowa Code section 169.34(1), prior to issuance of a certificate of registration, the applicant will:

- a. Successfully pass the VTSE as approved by the board;
- b. Provide a statement indicating all jurisdictions in which the applicant is or has ever been certified, licensed, permitted, or otherwise credentialed to perform authorized medical services to an animal patient as a veterinary technician, and consent to release to the board such information from jurisdictions in which the applicant is or has ever been certified, licensed, permitted, or otherwise credentialed;
- c. Provide information or consent to the release of information pertinent to the character and education of the applicant as the board may deem necessary in order to evaluate the applicant’s qualifications; and
- d. Submit evidence of having completed at least 30 hours of approved continuing education within the last three calendar years from the date of the application, unless the applicant recently passed the VTNE within the last three calendar years. New graduates and applicants within one year after the date of graduation are exempt from continuing education requirements for initial certification. Applicants who apply more than one year but less than two years after the date of graduation need to complete at least ten hours of approved continuing education. Applicants who apply more than two years but less than three years after the date of graduation need to complete at least 20 hours of approved continuing education. A maximum of ten hours of continuing education may be achieved by the completion of approved distance education courses.

8.1(2) A certificate of registration issued during a triennium, upon the applicant’s completion of these requirements and payment of the prorated triennial certificate of registration fee, is issued for the balance of the triennium. A certificate of registration expires on December 31 of the third year of the triennium.

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

811—8.2(169) Fee schedule for registered veterinary technicians.

8.2(1) The following fees are collected by the board and will not be refunded except by board action in unusual circumstances, such as documented illness of the applicant, death of the applicant, inability of the applicant to comply with the rules of the board, or withdrawal of an examination application provided withdrawal is received in writing 45 days prior to the examination date. However, the fees may be waived for qualifying military service personnel upon request. Examination fees are not transferable from one examination to another.

8.2(2) Based on the board’s anticipated financial requirements, the following fees are hereby adopted:

Certificate of registration application fee	\$45
VTNE	set by AAVSB
VTSE	set by AAVSB
Triennial certificate of registration	\$30
Late renewal penalty	\$50
License by endorsement—application fee.	\$45
License by verification—application fee.	\$45
Reactivation fee for lapsed or inactive certificate of registration	\$100
Official certificate or registration verification	\$15
Charge for insufficient funds or returned checks	\$25

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

811—8.3(169) Veterinary technician state examination. The VTSE is given at least once annually at a site or sites to be designated by the board at least 60 days before the date of the examination. The board

may provide for additional veterinary technician state examinations as deemed appropriate. In the event the board provides for additional examinations, the site or sites of the examination are designated by the board at least 60 days prior to the date of the examination.

8.3(1) In order for an applicant to sit for the VTSE, the application and fee will need to be received by the board at least 30 days before the date of the examination. The fee for the VTSE may be waived for qualifying military service personnel upon request.

8.3(2) An applicant who fails to earn a passing score on the VTSE is entitled to retake the examination not earlier than 90 days since the applicant last took the examination. The applicant will submit a new application and the application fee in accordance with subrule 8.3(1) to retake the VTSE. An applicant is limited to five total attempts at the VTSE; any additional applications to retake the examination beyond the five allowable attempts may be considered by the board and may be granted at the board's discretion.

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

811—8.4(272C) Registration as veterinary technician by verification. Registration by verification for a veterinary technician is available in accordance with the following:

8.4(1) Eligibility. A person may seek registration by verification if the person is registered or licensed in at least one other jurisdiction and in circumstances set forth by Iowa Code section 272C.12(1).

8.4(2) Board application. The applicant will submit the following:

- a. A completed application for registration by verification.
- b. Payment of the application fee.
- c. A verification form, completed by the licensing/registration authority in the jurisdiction that issued the applicant's license or registration, verifying that the applicant's license or registration in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form is sent directly from the licensing/registration authority to the board. This form is available on the board's website.
- d. Proof of passing the VTSE.
- e. A copy of the relevant disciplinary documents if another jurisdiction has taken disciplinary action against the applicant.

The board can waive these requirements pursuant to Iowa Code section 169.34(1) "e."

8.4(3) Applicants with prior discipline or pending licensing complaints or investigations. If another jurisdiction has taken disciplinary action against an applicant or if the applicant has a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will proceed according to Iowa Code section 272C.12(1) "f."

8.4(4) Limitations. A person who has had a license/registration revoked, or who has voluntarily surrendered a license/registration while under investigation for unprofessional conduct in another jurisdiction, is ineligible for registration by verification.

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

811—8.5(272C) Applicants with work experience in jurisdictions without licensure requirements.

8.5(1) Work experience. An applicant for initial registration who has relocated to Iowa from another jurisdiction that did not need a professional license or registration to practice in the profession may be considered to have met any educational and training requirements if the person meets the requirements detailed in Iowa Code section 272C.13(1). The applicant will satisfy all other requirements, including passing any necessary examinations, to receive a license.

8.5(2) Board application. The applicant will submit the following:

- a. A completed application for registration through work experience.
- b. Payment of the application fee.
- c. Proof of passing both the VTNE and VTSE.

8.5(3) Mandatory documentation. An applicant who wishes to substitute work experience in lieu of satisfying applicable education or training requirements carries the burden of providing all of the following by submitting relevant documents as part of a completed registration application:

- a. Proof of Iowa residency, which may include one or more of the following:

- (1) A residential mortgage, lease, or rental agreement;
 - (2) A utility bill;
 - (3) A bank statement;
 - (4) A paycheck or pay stub;
 - (5) A property tax statement;
 - (6) A document issued by the federal or state government;
 - (7) Any other board-approved document that reliably confirms Iowa residency.
- b. Proof of three or more years of work experience within the four years preceding the application for registration, which may include one or more of the following:
- (1) A letter from the applicant's prior employer documenting the dates of employment;
 - (2) Paychecks or pay stubs; or
 - (3) Any other board-approved evidence of sufficient work experience.
- c. Proof that the work experience was in a practice with a scope of practice substantially similar to that for the registration sought in Iowa, which includes:
- (1) A written statement by the applicant detailing the scope of practice; and
 - (2) Business or marketing materials detailing the services provided.
- d. Proof that a professional license/registration was not mandatory in the other state, which may include:
- (1) Copies of applicable laws;
 - (2) Materials from a website operated by a governmental entity; or
 - (3) Materials from a national professional association.

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

811—8.6(169,272C) Endorsed certificate of registration.

8.6(1) The board may issue an endorsed certificate of registration to an individual who satisfies the requirements set forth in Iowa Code section 169.34(2) and who satisfies the following:

- a. Successfully pass the VTSE as approved by the board;
- b. Provide a statement indicating all jurisdictions in which the applicant is or has ever been certified, licensed, permitted, or otherwise credentialed to perform authorized medical services to an animal patient as a veterinary technician, and consent to release to the board such information from jurisdictions in which the applicant is or has ever been certified, licensed, permitted, or otherwise credentialed;
- c. Provide information or consent to the release of information pertinent to the character and education of the applicant as the board may deem necessary in order to evaluate the applicant's qualifications; and
- d. Submit evidence of having completed at least 30 hours of approved continuing education within the last three calendar years from the date of the application. New graduates and applicants within one year after the date of graduation are exempt from continuing education requirements for initial certification. Applicants who apply more than one year but less than two years after the date of graduation need to complete at least ten hours of approved continuing education. Applicants who apply more than two years but less than three years after the date of graduation need to complete at least 40 hours of approved continuing education.

8.6(2) The board can waive these requirements pursuant to Iowa Code section 169.34(2) "e."

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

811—8.7(169) Supervision of veterinary auxiliary personnel.

8.7(1) *Emergencies.* Under conditions of an emergency, veterinarian auxiliary personnel may render without supervision such lifesaving aid and treatment under previously established protocols or real time oral instruction via telephone or other means of immediate communication with a veterinarian. Even under conditions of emergency, a veterinary assistant or veterinary technician student may not render additional lifesaving aid and treatment as follows: the administration of emergency pharmaceuticals. Emergency aid and treatment, if rendered to an animal not in the presence of a licensed veterinarian, may only be continued under the supervision of a licensed veterinarian, which in the case of emergency may include

telephone or other means of immediate communication with a veterinarian en route to the site, until the veterinarian arrives in a timely manner.

8.7(2) *Veterinary assistants.* The following delegated tasks may be performed by a veterinary assistant under the indicated level of supervision if the supervising veterinarian has delegated the task.

a. Tasks that require direct supervision:

- (1) Take patient's medical history.
- (2) Take patient temperature, pulse, and respiratory rate (TPR).
- (3) Oscillometric measurement of blood pressure.
- (4) Record client/patient complaint(s).
- (5) Administer subcutaneous (SQ) and intramuscular (IM) injections.
- (6) Administer SQ fluid.
- (7) Maintain intravenous (IV) fluids.
- (8) Implant growth-promoting implants.
- (9) Manage a nasogastric (NG) tube, not including insertion or placement.
- (10) Administer and monitor light/moderate sedation.
- (11) Apply government-required identification.
- (12) Administer internal and external parasite treatments.
- (13) Vaccinate livestock.
- (14) Vaccinate companion animals (excluding canine rabies, pursuant to Iowa Code section 351.33).
- (15) Radiograph and ultrasound imaging and positioning.
- (16) Ocular tonometry, fluorescein stain, and Schirmer Tear Testing to monitor animal eye health.
- (17) Remove sutures, staples, or drains.
- (18) Venipuncture for the purposes of IV injections and blood withdrawal for sampling.
- (19) IV catheter placement.
- (20) Draining and lancing abscesses.
- (21) Laser therapy treatments.
- (22) Take ear swabs and skin impression (needleless) cytology samples.
- (23) Conduct livestock necropsy for sample collection purposes.
- (24) Administer medication(s) prescribed by a veterinarian other than medications administered while

boarding the animal.

- (25) Rectal palpation for pregnancy testing of a bovine.

b. Tasks that require immediate supervision:

- (1) Monitor heavy sedation.
- (2) Surgical assistance (including but not limited to passing instruments, tissue retraction, assisting in hemostasis—utilizing sponges and clamps).
- (3) Measure blood pressure via doppler.
- (4) Nonsurgical castration.
- (5) Nonsurgical dehorning.
- (6) Place an endotracheal tube (ET) tube.
- (7) Administer, maintain, and monitor general anesthesia and recovery from general anesthesia.
- (8) Administer an enema.
- (9) Animal dynamic rehabilitation therapies.
- (10) Dental prophylaxis (teeth cleaning).

c. Tasks that veterinary assistants are not permitted to perform:

- (1) Reading ear and skin cytology.
- (2) Equine floating teeth services.
- (3) Gingival resection.
- (4) Prohibitions contained in Iowa Code sections 351.33 and 169.32(2).
- (5) Expression of urinary bladder.

8.7(3) *Veterinary technician student.* A veterinary technician student may perform tasks as allowed in subrule 8.7(4) for registered veterinary technicians except that the tasks must be performed under the indicated level of supervision if the supervising veterinarian has delegated the task.

a. Tasks that require direct supervision include all tasks requiring indirect supervision if they were performed by a registered veterinary technician.

b. Tasks that require immediate supervision include all tasks requiring immediate or direct supervision if they were performed by a registered veterinary technician.

c. Tasks that are not allowed include all tasks that are not allowed to be performed by a registered veterinary technician.

8.7(4) Registered veterinary technician. The following delegated tasks may be performed by a registered veterinary technician under the indicated level of supervision if the supervising veterinarian has delegated the task. Unless a different level of supervision is otherwise provided for in subrule 8.7(4), registered veterinary technicians may perform those tasks listed in subrule 8.7(2) for veterinary assistants under the same level of supervision applicable to veterinary assistants.

a. Tasks that require indirect supervision:

(1) Administration, preparation, and application of treatments, including but not limited to drugs, medications, controlled substances, biological and immunological agents in livestock and previously established biologic and immunologic protocols in companion animals, unless prohibited by government regulation.

(2) Intravenous catheterizations and maintenance of intra-arterial catheterizations.

(3) Collection, preparation, and recording of cellular or microbiological samples impressions or other nonsurgical methods (including skin scrapings), except when in conflict with government regulations.

(4) Collection of urine by bladder expression, catheterization (unobstructed) and insertion of an indwelling urinary catheter.

(5) Monitoring, including but not limited to electrocardiogram (ECG), blood pressure, carbon dioxide (CO₂) and blood oxygen saturation.

(6) Radiography and ultrasonography imaging.

(7) Clinical laboratory test procedures.

(8) Laser therapy.

(9) Staple removal.

(10) Application of splints and slings for the temporary immobilization of fractures.

(11) Euthanasia of livestock as defined in Iowa Code section 717.1(4), excluding equine species.

(12) Measuring blood pressure.

(13) Rectal palpation for pregnancy testing of a bovine.

b. Tasks that require direct supervision:

(1) General anesthesia and sedation, maintenance and recovery.

(2) Administer general anesthesia.

(3) Nonemergency endotracheal intubation.

(4) Regional anesthesia, including paravertebral blocks and local blocks.

(5) Dental procedures, limited to polishing and the removal of calculus, soft deposits, plaque, and stains.

(6) Blood or blood component collection, preparation, and administration for transfusion or blood banking purposes.

(7) Placement of tubes, including but not limited to gastric, nasogastric, and nasoesophageal.

(8) Ear flushing with pressure or suction.

(9) Application of casts, splints, and slings for the immobilization of fractures.

(10) Fluid aspiration from a body cavity or organ (i.e., cystocentesis, thoracocentesis, abdominocentesis).

(11) Stapling, suturing, and gluing of an existing surgical skin incision.

(12) Placement of intraosseous and nasal catheters.

(13) Performing enemas.

(14) Performing fluorescein stain ocular tonometry or the Schirmer tear test.

(15) Imaging, including but not limited to diagnostic radiography, diagnostic ultrasonography, computed tomography, magnetic resonance imaging, and fluoroscopy and the administration of radio-opaque agents or materials.

- (16) Collection of blood, except when in conflict with government regulations.
- (17) Administration of new/initial biological and immunological treatment protocols on companion animals.
- (18) Animal dynamic rehabilitation therapies.
 - c. Tasks that require immediate supervision:
 - (1) Placing an epidural.
 - (2) Assisting with surgical procedures.
 - (3) Placing abdominal, thoracic, or percutaneous endoscopic gastrostomy (PEG) tubes.
 - (4) Extractions of the incisors that do not require sectioning of the tooth or sectioning of the bone.
 - (5) Euthanizing any animal, including the equine species, that is not livestock as defined in Iowa Code section 717.1(4).
 - (6) Shockwave therapy for pain treatment.

8.7(5) *Veterinary student.*

a. Unless otherwise prohibited by law, a veterinary student may perform surgery or diagnosis under direct or immediate supervision and may perform any other task delegated by the supervising veterinarian under indirect supervision.

b. A veterinary student may not prescribe any drug, medicine or biologic; administer rabies vaccine to dogs as described in Iowa Code section 351.35; sign a certificate of veterinary inspection as described in Iowa Code section 163.12; perform any task requiring USDA accreditation; or perform any task otherwise prohibited by law.

8.7(6) *Foreign graduate.*

a. Unless otherwise prohibited by law, a graduate of a foreign college of veterinary medicine or a person who has received an Educational Commission for Foreign Veterinary Graduates (ECFVG) or PAVE certificate, either of whom is not a licensed veterinarian, may perform surgery or diagnosis under direct or immediate supervision and may perform any other task delegated by the supervising veterinarian under indirect supervision.

b. A graduate of a foreign college of veterinary medicine or a person who has received an ECFVG or PAVE certificate, either of whom is not a licensed veterinarian, may not prescribe any drug, medicine or biologic; administer rabies vaccine to dogs as described in Iowa Code section 351.35; sign a certificate of veterinary inspection as described in Iowa Code section 163.12; perform any task requiring USDA accreditation; or perform any task otherwise prohibited by law.

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

811—8.8(169,272C) Continuing education.

8.8(1) In order to renew a certificate of registration, each credentialed veterinary technician completes, triennially, at least 30 hours of continuing education in courses approved by the board. The credentialed veterinary technician has the responsibility for financing continuing education. These credit hours may be obtained by attending approved scientific seminars and meetings on the basis of one credit hour for each hour of attendance. Attendance at any board-approved national, state or regional meeting will be acceptable. Credit for qualified graduate college courses may be approved on the basis of multiplying each college credit hour by 10, to a maximum of 15 hours during any one triennial. A maximum of 15 hours during any one triennial may be achieved by the completion of approved distance education courses. A maximum of ten hours of continuing education during any one triennial license period may be achieved by completion of approved practice management courses.

8.8(2) Each credentialed veterinary technician obtains the 30 credit hours between January 1 of the first year of the triennium and December 31 of third year of the triennium. Continuing education credits in excess of 30 hours for the triennium may be carried over to the next triennial period, but the total number of credits carried over cannot exceed 10 hours.

If a recent graduate is credentialed during the first year of the triennium, the person will complete 20 hours of continuing education for the first certificate of registration renewal. If a recent graduate is credentialed during the second year of the triennium, the person will complete ten hours of continuing education for the first certificate of registration renewal. If a recent graduate is credentialed during the third year of the triennium, the person is exempt from meeting continuing education requirements for the first

certificate of registration renewal. For the purpose of this rule, “recent graduate” means a person who has graduated from an accredited or approved veterinary technology program no more than three years prior to application for certification of registration.

8.8(3) Completion of the continuing education will be reported to the secretary of the board of veterinary medicine on forms provided by the board by December 31 of the third year of the triennium.

8.8(4) Upon request, the board may waive continuing education requirements for qualifying military service personnel or spouse as defined in 811—Chapter 15.

[ARC 8017C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code sections 17A.3, 169.4, 169.5, 169.9, 169.12, 169.20 and 272C.4.

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◇ Two or more ARCs

CHAPTER 9
TEMPORARY VETERINARY PERMITS

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—9.1(169) Eligibility for a temporary permit.

9.1(1) *Temporary educational permit.* For the purpose of this subrule, “qualified applicant” means a person who is undertaking internship or residency training at Iowa State University College of Veterinary Medicine. A temporary educational permit may be issued upon application to a qualified applicant who does not also seek an Iowa veterinary license. A temporary educational permit allows the permit holder to act as a licensed veterinarian, including for privately owned animals, but only within the scope of the permit holder’s internship or residency program at Iowa State University College of Veterinary Medicine. Verification of internship or residency consists of an endorsement signed by the dean of the school and submitted directly to the board by the school. A temporary educational permit expires upon termination of the permit holder’s internship or residency program, as reported by the dean of the school of veterinary medicine. An initial temporary educational permit may be issued by the board for a term of up to two years. An initial temporary educational permit may be renewed by the board for a term of up to one year. No more than two renewals will be granted to the same person.

9.1(2) *Temporary in-state practice permit.*

a. A temporary in-state practice permit may be issued upon application to a qualified applicant who does not also seek an Iowa license. For the purpose of this subrule, “qualified applicant” means a person who:

(1) Has graduated from an AVMA-accredited or AVMA-listed school of veterinary medicine or has received an ECFVG or PAVE certificate.

(2) Is licensed in good standing in another jurisdiction.

(3) Has, in the case of an applicant with a non-Iowa license seeking licensure under Iowa Code section 169.10(1):

1. Successfully completed the National Board Examination (NBE) if the applicant’s non-Iowa license was issued between December 31, 1964, and December 31, 1979.

2. Successfully completed the NBE and the Clinical Competency Test (CCT) if the applicant’s non-Iowa license was issued between January 1, 1980, and December 31, 2000.

3. Successfully completed the NAVLE in accordance with rule 811—7.1(169) if the applicant’s non-Iowa license was issued on or after January 1, 2001.

b. The temporary permit is issued in accordance with Iowa Code section 169.11(2). The temporary in-state practice permit allows the permit holder to act as a licensed veterinarian in this state. A person cannot obtain more than three temporary permits.

[ARC 8018C, IAB 5/15/24, effective 7/1/24]

811—9.2(169) Application.

9.2(1) An application for a temporary permit is to be made on a form provided by the board. The application will state whether the applicant is applying for a temporary educational permit or a temporary in-state practice permit. The applicant will provide a statement indicating all jurisdictions in which the applicant is or has ever been licensed to practice veterinary medicine and consent to the release of information to the board from jurisdictions in which the applicant is or has ever been licensed.

9.2(2) The board may require from an applicant or obtain from other sources such other information pertinent to character and education of the applicant as it may deem necessary in order to pass upon the applicant’s qualifications.

9.2(3) In the case of an applicant under subrule 9.1(2), the applicant will provide evidence of approved continuing education totaling at least 60 hours obtained in the previous three years.

9.2(4) The temporary permit fee and the application fee will accompany the application.

[ARC 8018C, IAB 5/15/24, effective 7/1/24]

811—9.3(169) Practice without benefit of temporary permit or Iowa license. An applicant for a temporary permit or an Iowa license cannot engage in the practice of veterinary medicine unless and until a temporary permit or Iowa license is granted by the board. Prior to the issuance of the temporary permit or Iowa license, an applicant who is otherwise qualified under rule 811—9.1(169) may perform within the same scope of authority as a licensed veterinary technician as provided in 811—Chapter 8.

[ARC 8018C, IAB 5/15/24, effective 7/1/24]

811—9.4(169) Grounds for discipline and disciplinary procedures. A disciplinary action against a permit holder, including grounds for disciplinary action, is governed by 811—Chapter 10. In addition to the applicable grounds set forth in 811—Chapter 10, an applicant for a temporary permit or an Iowa license who engages in the practice of veterinary medicine prior to the issuance of the temporary permit or Iowa license is subject to denial or revocation of the temporary permit, denial or revocation of the Iowa license, and referral for civil or criminal prosecution, at the board's discretion.

[ARC 8018C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code chapter 169.

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CHAPTER 10
DISCIPLINE

[Prior to 2/8/89, see Veterinary Medicine, Board of[842] Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—10.1(17A,169,272C) Board authority. The board may discipline any credential holder for any grounds stated in Iowa Code chapters 169 and 272C or rules promulgated thereunder.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.2(17A,169,272C) Complaints and investigations.

10.2(1) Complaints are allegations of wrongful acts or omissions relating to the ethical or professional conduct of a credential holder.

10.2(2) The executive secretary or authorized designee investigates complaints in order to determine the probability that a violation of law or rule has occurred.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.3(17A,169,272C) Investigatory subpoena powers. The board has the authority to issue an investigatory subpoena in accordance with the provisions of Iowa Code section 17A.13.

10.3(1) A subpoena which requires production of real evidence that is necessary to an investigation may be issued upon the authority of the executive secretary or a designee.

10.3(2) Any person who is aggrieved or adversely affected by compliance with the subpoena and who desires to challenge the subpoena has 14 days after the service of the subpoena, or before the time specified for compliance if such time is less than 14 days, to file with the board a motion to quash or modify the subpoena. The motion will describe legal reasons why the subpoena should be quashed or modified and may be accompanied by legal briefs or factual affidavits.

10.3(3) Iowa Code section 272C.6(3)“a”(3) contains information regarding what happens in the event obedience to a subpoena is refused.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.4(17A,169,272C) Board action. The board will review investigative conclusions and take one of the following actions:

1. Close the investigative case without action.
2. Request further inquiry.
3. Appoint a peer review committee to assist with the investigation.
4. Determine the existence of sufficient probable cause and order a disciplinary hearing to be held in compliance with Iowa Code section 272C.6.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.5(17A,169,272C) Peer review committee. The board may establish a peer review committee to assist with the investigative process when deemed necessary.

10.5(1) The committee will determine if the conduct of the credential holder conforms to minimum standards of acceptable and prevailing practice of veterinary medicine or other applicable standards and submit a report of its findings to the board.

10.5(2) The board will review the committee’s findings and proceed with action available under rule 811—10.4(17A,169,272C).

10.5(3) The confidentiality requirements imposed by Iowa Code section 272C.6 apply to the peer review committee.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.6(17A,169,272C) Grounds for discipline and principles of veterinary medical ethics. The provisions of Iowa Code sections 272C.10 and 169.13 are incorporated by reference. The board has established grounds for discipline and principles of ethics for veterinary medicine. Without regard as to whether the board has determined that an injury has occurred, the board may impose any of the disciplinary

sanctions set forth in rule 811—10.7(17A,169,272C), including civil penalties in an amount not to exceed \$1,000, when the board determines that the credential holder is guilty of any of the following acts or offenses:

10.6(1) *Grounds applicable to all credential holders.*

a. Fraud in procuring a credential, which includes but is not limited to an intentional perversion of the truth in making application for a credential to practice any of the professions or activities regulated by the board in this state and includes false representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a credential in this state, or attempting to file or filing with the board or the Iowa department of agriculture and land stewardship any false or forged diploma, certificate, affidavit, identification, or qualification in making an application for a credential in this state.

b. Professional incompetency of a credential holder may be established by:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the credential holder's practice.

(2) A substantial deviation by the credential holder from the standards of learning or skill ordinarily possessed and applied by other credential holders acting in the same or similar circumstances.

(3) A willful or repeated departure from or the failure to conform to the minimal standards of acceptable and prevailing practice of credential holders.

(4) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public.

1. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession includes, but is not limited to, an intentional perversion of the truth, either orally or in writing, and includes any representation contrary to legal or equitable duty, trust or confidence and is deemed by the board to be contrary to good conscience, prejudicial to the public welfare or may operate to the injury of another.

2. Practice harmful or detrimental to the public includes, but is not limited to, the failure of a credential holder to possess and exercise that degree of skill, learning and care expected of a reasonable, prudent credential holder acting in the same or similar circumstances, including for a veterinarian a violation of the standards of practice as set out in 811—Chapter 12, or when a credential holder is unable to practice with reasonable skill and safety on a client's animals as a result of a mental or physical impairment or chemical abuse.

c. Habitual intoxication or addiction to the use of drugs means the same as Iowa Code section 169.13(1)“*h.*” The board may mandate a credential holder's completion of a treatment program as a condition of probation or suspension and will consider the credential holder's willingness to complete a treatment program when determining the appropriate degree of disciplinary sanction.

d. Conviction of a felony or misdemeanor, which includes, but is not limited to, the conviction of a public offense in the practice of the credential holder's profession and is defined or classified as a felony under state or federal law, or violation of a statute or law designated as a felony in this state, another state, or the United States, which statute or law directly relates to the credential holder's profession or ability to practice within the profession.

e. Fraud in representations as to skill or ability, which includes but is not limited to a credential holder's having made misleading, deceptive or untrue representations as to the credential holder's competency to perform professional services for which the credential holder is not qualified to perform by training or experience.

f. Use of untruthful or improbable statements in advertisements, which includes but is not limited to an action by a credential holder in making information or intention known to the public which is false, deceptive, misleading or promoted through fraud or misrepresentation and includes statements which may consist of, but not be limited to:

(1) Inflated or unjustified expectations of favorable results;

(2) Self-laudatory claims that imply that the credential holder engaged in a field or specialty of practice for which the credential holder is not qualified. A veterinarian is not qualified to claim or imply

specialization unless the veterinarian is a member in good standing of the respective specialty board or college recognized by the AVMA;

(3) Representations that are likely to cause the average person to misunderstand; or

(4) Extravagant claims or claims of extraordinary skills not recognized by the credential holder's profession.

g. Willful or repeated violations of the provisions of Iowa Code chapters 169 and 272C and rules promulgated thereunder by the board.

h. Failure to report a license, certificate, permit, or other credential revocation, suspension or other disciplinary action taken by a licensing or regulating authority of another state, territory or country within 30 days of the final action by such licensing or regulating authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report is expunged from the records of the board.

i. Failure of a credential holder or an applicant for a credential in this state to report, within 30 days, any settlement agreement or voluntary agreement to limit the practice of veterinary medicine or other applicable activities entered into in another state, district, territory or country or those included in Iowa Code section 272C.9 or 169.13.

j. Knowingly submitting a false report of continuing education or failure to submit the triennial report of continuing education.

k. Failure to comply with a subpoena issued by the board.

l. Willful or gross negligence.

m. Obtaining any fee by fraud or misrepresentation.

n. Violating any of the grounds for the revocation or suspension of a credential as listed in Iowa Code section 169.13 or these rules.

o. A violation of Iowa Code section 169.13(1) "d"; having the person's certificate, license, permit, or other credential revoked or suspended by the United States Department of Agriculture (USDA); or having the veterinarian's USDA accreditation revoked, suspended or other disciplinary action taken against the accreditation.

p. Failing to comply with a lawful child support order as provided in 811—Chapter 13.

q. Failing to pay any hearing fees and costs within the time specified in the board's decision.

r. Failure to satisfy the continuing education requirements of rule 811—8.10(169,272C).

The board cannot suspend or revoke a license issued by the board to a person who is in circumstances outlined by Iowa Code section 272C.4(10).

10.6(2) *Grounds applicable to licensed veterinarians only.* In addition to the grounds set out in subrule 10.6(1), without regard as to whether the board has determined that injury has occurred, a licensed veterinarian is subject to disciplinary action for the violation of any of the following:

a. Engaging in unethical conduct which includes, but is not limited to, a violation of the standards of practice as set out in 811—Chapter 12, and which may include acts or offenses in violation of Iowa's principles of veterinary medical ethics, as adopted in subrule 10.6(3).

b. Engaging in practice harmful or detrimental to the public which includes, but is not limited to, either of the following:

(1) The use of a rubber stamp to affix a signature to a prescription. A licensee who is unable, due to a physical disability, to make a written signature or mark may substitute in lieu of a signature a rubber stamp which is adopted by the disabled person for all purposes requiring a signature and which is affixed by the disabled person or affixed by another person upon the request of the disabled person and in the licensee's presence.

(2) The practice of maintaining any prescribed prescription which is intended to be completed and issued at a later time.

c. Iowa Code section 169.13(1) "g."

d. Indiscriminately or promiscuously prescribing, administering or dispensing any drug; or prescribing, administering or dispensing any drug for other than a lawful purpose.

e. Permitting or directing any veterinary auxiliary personnel or any other person who does not hold the proper credentials to perform veterinary duties involving diagnosis, prescription or surgery, except as allowed pursuant to subrule 8.7(4).

f. Permitting or directing any veterinary auxiliary personnel or any other person to perform any act that would be a legal or ethical violation if committed by a veterinarian.

g. Negligently failing to exercise due care in the delegation of veterinary services to or in supervision of veterinary auxiliary personnel, whether or not injury results.

10.6(3) Principles of veterinary medical ethics. All Iowa-licensed veterinarians are expected to adhere to these principles of veterinary medical ethics listed below and adopted by the board.

a. *General ethics principles.*

(1) A veterinarian may only be influenced by the welfare of the patient, the needs of the client, the safety of the public, and the need to uphold the public trust vested in the veterinary profession and shall avoid conflicts of interest or the appearance thereof.

(2) A veterinarian shall provide competent veterinary medical care under the terms of a veterinarian-client-patient relationship (VCPR), with compassion and respect for animal welfare and human health.

(3) A veterinarian shall uphold the standards of professionalism, be honest in all professional interactions, and report veterinarians who are deficient in character or competence to the appropriate entities.

(4) A veterinarian shall not willfully violate the provisions of Iowa Code chapters 169 and 272C and rules promulgated thereunder by the board, or other law of this state, another state, or the United States, which relates to the practice of veterinary medicine.

(5) A veterinarian shall respect the rights of clients, colleagues, and other health professionals and safeguard medical information within the confines of the law.

(6) A veterinarian shall continue to study, apply, and advance scientific knowledge; maintain a commitment to veterinary medical education; make relevant information available to clients, colleagues, and the public; and obtain consultation or referral when indicated.

(7) A veterinarian shall, in the provision of appropriate patient care, be free to choose whom to serve, with whom to associate, and the environment in which to provide veterinary medical care.

(8) A veterinarian shall not advertise a specialty or claim to be a specialist when not a diplomate of a veterinary specialty organization recognized by the AVMA.

b. *Veterinarian-client-patient relationship ethics.* A veterinarian shall not engage in the practice of veterinary medicine without a valid VCPR as defined in these rules.

c. *Veterinarian-client communication; documentation of informed consent.*

(1) A veterinarian shall explain to clients how any diagnostic tests offered would help diagnose a patient's medical condition.

(2) A veterinarian is responsible for professional communication directly with the client regarding diagnosis, options for treatment(s), expected cost of treatment(s), expected outcome of treatment(s), and the potential risks associated with each treatment regimen, as well as the client's ability to decline treatment(s). Client consent for the treatment(s) shall be documented in the patient's medical records. Veterinary auxiliary personnel may communicate the information listed in this subparagraph to the client under the supervision of an Iowa-licensed veterinarian.

(3) If a veterinarian does not have the expertise or the necessary equipment and facilities to adequately diagnose or treat a patient, the veterinarian shall offer a referral to another veterinarian where the diagnosis or treatment can be performed.

d. *Veterinary medical records.*

(1) Complete, accurate and legible medical records that are considered to meet the prevailing standard of the practice of veterinary medicine are set by the board.

(2) Any controlled substances administered to a patient must be written into the patient's medical record, which shall include the drug name, the date the drug was administered, the amount of drug administered, the frequency of drug administration, and the prescribing (and administering, if different) veterinarian's name, pursuant to rules 811—12.2(169) to 811—12.4(169). This requirement is in addition to regulations and requirements promulgated by the Iowa board of pharmacy, U.S. Drug Enforcement

Administration, and any other applicable governmental agency. Violating or failing to comply with a state or federal law or regulation relating to the storing, labeling, prescribing, or dispensing of controlled substances is unethical.

(3) Humane euthanasia of animals is an ethical veterinary procedure. A veterinarian can refuse to perform euthanasia.

e. Client and patient privacy rights.

(1) A veterinarian shall protect and respect the privacy rights of clients, colleagues, and other health professionals. A veterinarian shall not reveal confidential medical records or other medical information unless authorized to do so by law.

(2) It is unethical to place photographs or information regarding a patient, a client, or a client's premises on social media or other public platforms without the consent of the owner, unless the patient, client, or client's premises cannot be identified by its marking and unless all personally identifying information has been removed from the photograph. Use of photographs and information for didactic purposes is permitted with client consent or after removal of any information that would identify the client or patient.

f. Professional behavior.

(1) A veterinarian shall be honest in all professional interactions while respecting the rights of clients, colleagues, and other health professionals. A veterinarian must be honest and fair in relations with others, and a veterinarian shall not engage in fraud, misrepresentation, or deceit, including by material omission, in accordance with Iowa Code section 169.13(1)“a.”

(2) A veterinarian must not defame or injure the professional standing or reputation of another veterinarian in a false or misleading manner. Any complaints about behavior of a veterinarian that may violate the principles of veterinary medical ethics should be addressed through the board in an appropriate and timely manner.

(3) A veterinarian who is impaired due to substance abuse or mental health or physical conditions as set forth in Iowa Code section 169.13(1)“h” must not act in the capacity of a veterinarian and shall seek medical treatment from qualified organizations or individuals.

10.6(4) Recommended practices for veterinarians.

a. A veterinarian is encouraged to participate in activities contributing to the improvement of the community and the betterment of public health. The responsibilities of the veterinary profession extend beyond individual patients and clients to society in general.

b. A veterinarian is encouraged to participate in the political process to seek changes to laws and regulations that are contrary to the best interests of the patient, the client and public health.

c. A veterinarian is encouraged to make the veterinarian's knowledge available to the community and to provide the veterinarian's services for activities that protect public health.

d. A veterinarian is encouraged to view, evaluate, and treat all individual persons in any professional activity or circumstance in which the veterinarian may be involved solely as individuals on the basis of the person's personal abilities, qualifications and character.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.7(17A,169,272C) Sanctions. The board has the authority to impose disciplinary sanctions in circumstances allowed by Iowa Code section 272C.3(2)“a” through “f.”

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.8(17A,169,272C) Panel of specialists. The board may appoint a panel of veterinarians who are specialists to ascertain the facts of a case pursuant to Iowa Code section 272C.6(2). The board chairperson or designee appoints the presiding officer.

10.8(1) The executive secretary sets the date, time, and location of the hearing and makes proper notification to all parties.

10.8(2) The panel of specialists shall:

a. Enter into the record the names of the presiding officer, members of the panel, the parties and their representatives.

- b. Enter into the record the notice and evidence of service, order for hearing, statement of charges, answer, if available, and any other pleadings, motions or orders.
- c. Receive opening statements from the parties.
- d. Receive evidence, in accordance with Iowa Code section 17A.14, on behalf of the state of Iowa and on behalf of the credential holder.
- e. Question the witnesses.
- f. Receive closing statements from the parties.
- g. Determine the findings of fact by a majority vote and make a written report of its findings to the board within a reasonable period.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.9(17A,169,272C) Informal settlement. Pursuant to the provisions of Iowa Code sections 17A.12 and 272C.3, the board may consider resolution of disciplinary matters through informal settlement prior to commencement of contested case proceedings. The secretary or designee may negotiate with the credential holder regarding a proposed disposition of the controversy. Upon consent of both parties, the board will review the proposal for action.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.10(17A,169,272C) Voluntary surrender. A voluntary surrender of credentials may be submitted to the board as resolution of a contested case or in lieu of continued compliance with a disciplinary decision of the board.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

811—10.11(17A,169,272C) Application for reinstatement. A person whose credential has been suspended, revoked, or voluntarily surrendered may apply to the board for reinstatement in accordance with the terms and conditions of the order.

10.11(1) If the credential was voluntarily surrendered, or if the order for suspension or revocation did not establish terms and conditions for reinstatement, an initial application cannot be made until one year has elapsed from the date of the order.

10.11(2) The application alleges facts and circumstances which will enable the board to determine that the basis for the sanction or voluntary surrender no longer exists and that it is in the public interest to reinstate the credential. The burden of proof to establish these facts rests with the petitioner.

10.11(3) The hearing in an application for reinstatement is a contested case within the meaning of Iowa Code section 17A.12.

10.11(4) The order to grant or deny reinstatement incorporates findings of fact and conclusions of law. If reinstatement is granted, terms and conditions for reinstating the credential may be imposed.

[ARC 8019C, IAB 5/15/24, effective 7/1/24]

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

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CHAPTER 11
CONTINUING EDUCATION
[Prior to 2/8/89, Veterinary Medicine, Board of(842) Ch 8]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—11.1(169) Continuing education necessary for a veterinary licensee.

11.1(1) Within the last three licensing years, each licensee is to complete at least 60 hours of continuing education in courses approved by the board as a condition for license renewal. The licensee has financial responsibility for the cost of continuing education. These credit hours may be obtained by attending board-approved scientific or practice management seminars and meetings on the basis of one credit hour for each hour of attendance. Attendance at any approved national, state or regional meeting or RACE-approved meeting will be acceptable. One hour of credit may be approved for local meetings where a scientific paper is presented. Credit for qualified graduate college courses may be approved on the basis of multiplying each college credit hour by 10, to a maximum of 30 hours during any one triennial license period. A maximum of 30 hours during any one triennial license period of continuing education may be achieved by completion of approved distance education courses. A maximum of 20 hours of continuing education during any one triennial license period may be achieved by completion of approved practice management courses.

11.1(2) To qualify for license renewal, each licensee is to obtain the 60 credit hours between July 1 of the year the license was issued and June 30 of the following third year. Continuing education credits in excess of 60 hours for any three-year license period may be carried over to the next triennial license period, but the total number of credit hours carried over cannot exceed 20 hours.

11.1(3) A recent graduate is exempt from meeting continuing education requirements at the time of original licensure and for the first year of practice. For the purpose of this rule, “recent graduate” means a person who has graduated from an accredited or approved school of veterinary medicine, or received a certificate from the ECFVG or PAVE no more than three years prior to application for licensure. If a recent graduate is licensed during the first year of the triennial license period, the licensee needs to complete 40 hours of continuing education for the first license renewal. If a recent graduate is licensed during the second year of the triennial license period, the licensee needs to complete 20 hours of continuing education for the first license renewal. If a recent graduate is licensed during the third year of the triennial license period, the licensee is exempt from meeting continuing education requirements for the first license renewal.

11.1(4) Completion of the continuing education requirement will be reported to the secretary of the board, on a form provided by the board, at the time of license renewal. The form is to be signed by the licensee and be accompanied by renewal application and the proper renewal fee.

11.1(5) The board may waive continuing education requirements for qualifying military service personnel upon request.

[ARC 8020C, IAB 5/15/24, effective 7/1/24]

811—11.2(169) Exemptions for an inactive veterinary licensee. A licensee residing within or outside Iowa who is not engaged in practice in the state of Iowa may be granted a waiver of compliance and obtain a certificate of exemption upon paying the annual license renewal fee. The licensee is to provide a written application to the board that includes a statement that the applicant will not engage in the practice of veterinary medicine in Iowa without first complying with all the rules governing reactivation after exemption. The application for a certificate of exemption is to be submitted on a form provided by the board.

[ARC 8020C, IAB 5/15/24, effective 7/1/24]

811—11.3(169) Reactivation of license. A veterinarian whose license has lapsed or been placed on inactive status is to provide evidence of completion of a total number of hours of accredited continuing education computed by multiplying 20 by the number of years since the date of the last issuance of the license for which reactivation is sought.

[ARC 8020C, IAB 5/15/24, effective 7/1/24]

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

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CHAPTER 12
STANDARDS OF PRACTICE
[Prior to 2/8/89, Veterinary Medicine, Board of[842] Ch 9]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—12.1(169) Veterinarian/client/patient relationships.

12.1(1) The board shall determine, on a case-by-case basis, whether a valid veterinarian/client/patient relationship exists. This relationship is deemed to exist when all of the following criteria have been met:

a. The licensed veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the need for medical treatment, and the client has agreed to follow the instructions of the licensed veterinarian;

b. The licensed veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. Sufficient knowledge means that the licensed veterinarian has recently seen or is personally acquainted with the keeping and care of the patient by virtue of any of the following:

(1) A physical examination of the patient within the past 12 months;

(2) A professional visit within the past 12 months to the premises where the patient or representative patients are housed, kept, located or grazed; or

(3) The licensed veterinarian has been temporarily designated by a licensed veterinarian, who has a prior veterinarian/client/patient relationship, to provide reasonable and appropriate medical care. The veterinarian making the designation must meet the requirements of either subparagraph 12.1(1)“b”(1) or 12.1(1)“b”(2), and the designated veterinarian must have access to the patient’s medical records.

The 12-month time period in paragraph 12.1(1)“b” does not apply until June 14, 2023;

c. The licensed veterinarian is readily available or provides for follow-up care in case of adverse reactions or failure of the regimen of therapy, or, if unavailable, has designated another available licensed veterinarian who has access to the patient’s records to provide reasonable and appropriate medical care.

12.1(2) A valid veterinarian/client/patient relationship cannot be established by contact solely based on a telephonic or electronic communication.

12.1(3) In the absence of a veterinarian/client/patient relationship:

a. Advice that is provided through electronic means can only be general and not specific to a particular animal or its diagnosis or treatment.

b. Advice and recommendations may be provided via veterinary telephonic or electronic communication in an emergency, but only until the animal can be examined in person by a licensed veterinarian.

12.1(4) Both the licensed veterinarian and the client have the right to establish or decline a valid veterinarian/client/patient relationship. Once the licensed veterinarian and the client have agreed and entered into a relationship, and the licensed veterinarian has begun patient care, the licensed veterinarian cannot neglect the patient and must continue to provide professional services related to the patient’s injury or illness within the previously agreed limits. As subsequent needs and costs for patient care are identified, the licensed veterinarian and the client must confer and reach agreement on the continued care and responsibility for fees. If the informed client declines future care or declines to assume responsibility for the fees, the relationship may be terminated by either party.

12.1(5) If no ongoing medical condition exists, a licensed veterinarian may terminate a valid veterinarian/client/patient relationship by notifying the client that the licensed veterinarian no longer wishes to serve that patient and client. However, if an ongoing medical or surgical condition exists, the patient should be referred to another licensed veterinarian for diagnosis, care and treatment and the former attending licensed veterinarian should continue to provide care as needed during the transition.

12.1(6) Concerns about licensed veterinarian or staff safety may result in immediate termination of the veterinarian/client/patient relationship.

12.1(7) In emergencies, a veterinarian has an ethical responsibility to provide essential services for an animal when necessary to save the animal’s life or relieve extreme suffering, subsequent to a client agreement (or until such agreement can be obtained when a client is not present or cannot be reached).

Such emergency care may be limited to relieve extreme pain or suffering, or to stabilization of the patient for transport to another source of animal care or euthanasia when deemed necessary by the veterinarian. When a veterinarian cannot be available to provide services, the veterinarian should provide readily accessible information to assist a client in obtaining emergency services, consistent with the needs of the locality. In an emergency, if a veterinarian does not have the expertise or the necessary equipment and facilities to adequately diagnose or treat a patient, the veterinarian should advise the client that more qualified or specialized services are available elsewhere and offer to expedite referral to those services.

12.1(8) A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency or urgent care to a patient when a client cannot be identified, and a veterinarian/client/patient relationship is not established, is not subject to discipline based solely on the veterinarian's inability to establish a veterinarian/client/patient relationship.

[ARC 8021C, IAB 5/15/24, effective 7/1/24]

811—12.2(169) Controlled substances, drugs, prescription medications and specific restricted immunization products. When state or federal law restricts a drug, medication or immunization product intended for use by or on the order of a licensed veterinarian, the licensed veterinarian can only sell, distribute or order the drug or medication in the course of the licensed veterinarian's professional practice. A prescription veterinary drug, medication or immunization product shall not be deemed to be used "in the course of the licensed veterinarian's professional practice" unless a valid veterinarian/client/patient relationship exists.

12.2(1) Prescriptions. Orders for all such drugs, medications or immunization products shall be accompanied by the licensed veterinarian's original prescription that shows the following:

- a. Licensed veterinarian's name, address and telephone number;
- b. Client's name;
- c. Patient's name or identification;
- d. Date issued;
- e. Drug, medication or product name, strength and quantity;
- f. Directions for use;
- g. Number of times the prescription may be refilled;
- h. Expiration date of the drug, medication or product; and
- i. Applicable withdrawal period (paragraph 12.2(2)"d") for livestock and poultry.

12.2(2) Extra-label use of veterinary drugs, medications and immunization products. Any extra-label use of veterinary drugs, medications or immunization products can only be administered by or under the order of a licensed veterinarian and is subject to the following criteria:

- a. There is a valid veterinarian/client/patient relationship as defined in subrule 12.1(1).
- b. For drugs or medications used in patients not intended for food, one of the following applies:
 - (1) There are no marketed drugs, medications or immunization products specifically labeled for the condition(s) diagnosed;
 - (2) The approved product is clinically ineffective; or
 - (3) In the licensed veterinarian's clinical judgment, the labeled dosage is inappropriate for the condition or the extra-label use should result in a better outcome for the patient.
- c. The health of the treated patient is immediately threatened, or suffering or death would result from a failure to treat the affected patient.
- d. The appropriate withdrawal period is specified when the drugs, medications or immunization products are used in animals intended as food. Extra-label drug use in food-producing animals must follow Food and Drug Administration—Animal Medicinal Drug Use Clarification Act regulations (21 CFR Part 530 as amended through December 21, 2023). Licensed veterinarians are encouraged to consult the Food Animal Residue Avoidance Databank (FARAD) or public peer-reviewed documents when determining appropriate withdrawal period.

[ARC 8021C, IAB 5/15/24, effective 7/1/24]

811—12.3(169) Prescription drug or medication labeling and packaging. A licensed veterinarian shall comply with all of the following requirements for the storage, handling, dispensing and administering of a drug or medication.

12.3(1) All prescription drugs, medications and controlled substances shall be purchased, maintained, handled, prescribed and dispensed in compliance with state and federal requirements including but not limited to the requirements of the Iowa board of pharmacy, the U.S. Occupational Safety and Health Administration, the U.S. Department of Agriculture, the U.S. Food and Drug Administration, the U.S. Environmental Protection Agency and the U.S. Drug Enforcement Administration.

a. A valid veterinarian/client/patient relationship shall be established before prescription drugs or medications may be dispensed or a prescription released. All drugs or medications administered, prescribed or dispensed shall be documented in the patient's medical record. The sale of veterinary prescription drugs or medications or the extra-label use of any drug, medication or product by a licensed veterinarian without a valid veterinarian/client/patient relationship is not permissible.

b. If a veterinarian prescribes a drug for the client's animal, the veterinarian shall, upon request, provide the prescription to the client, unless barred by state or federal law or to prevent inappropriate use. The veterinarian may charge a fee for issuing the prescription. This paragraph does not apply to livestock as defined in Iowa Code section 717.1(4).

12.3(2) All drugs or medications dispensed shall be labeled with the following information:

- a.* Name, telephone number and address of the veterinary clinic, hospital or service facility.
- b.* Name of the prescribing licensed veterinarian.
- c.* Date on which the prescription is dispensed.
- d.* Directions for use, including any cautionary statements and withdrawal times when appropriate.
- e.* Species of the patient.
- f.* Name, or identification, or location of the patient.
- g.* Name of the owner.
- h.* Name, strength and dosage form of the drug or medication. If the drug or medication is a compounded product, all active ingredients must be listed on the label, with corresponding strengths or concentrations of each ingredient.
- i.* Number of units dispensed.
- j.* Expiration date. If the drug or medication is a compounded product with no assigned expiration date, the licensed veterinarian shall determine a beyond-use date as supported by the literature or by the licensed veterinarian's professional judgment when no such supportive information exists.
- k.* Appropriate withdrawal period for livestock or poultry, when the patient or its product is intended as food.

12.3(3) All drugs or medications dispensed in the original container shall retain the original label and be labeled with the same information identified in subrule 12.3(2).

12.3(4) All drugs or medications that are dispensed in a container other than the original container shall be placed in a tamper-resistant container unless otherwise requested by the owner or unless the drug or medication is in a form or size that cannot be easily dispensed in a tamper-resistant container.

12.3(5) Drugs or medications that have expired shall be removed from current inventory and cannot be dispensed or sold. Expired drugs or medications shall be disposed of in accordance with local, state and federal regulations.

12.3(6) Drugs or medications shall be dispensed only for specific animals and for specific veterinary medical therapies with the exception of groups of similar animals and other groups such as pet fish, kennels and catteries for which dispensing shall be done judiciously within a valid veterinarian/client/patient relationship.

[ARC 8021C, IAB 5/15/24, effective 7/1/24]

811—12.4(169) Veterinary medical records.

12.4(1) *Controlled substances records.* The licensed veterinarian must maintain a controlled substance log that contains complete, accurate and readily retrievable records of all controlled substances possessed, administered or dispensed.

a. Each record of a controlled substance that is dispensed must meet all U.S. Drug Enforcement Administration and Iowa board of pharmacy regulations for the controlled substances log.

b. Each log record must include the following information:

- (1) Name or identification of the patient.
- (2) Client's name and address, if not readily available from the licensed veterinarian's records.
- (3) Name, strength and quantity of the controlled substance dispensed.
- (4) Date on which the controlled substance was dispensed.
- (5) Initials of the dispensing licensed veterinarian or authorized auxiliary.
- (6) Name of the prescribing licensed veterinarian.

c. All controlled substances must be kept in a locked storage area, and access to the storage area must be limited pursuant to state and federal laws and regulations.

d. Each package or container in which a controlled substance is stored or dispensed must be clearly labeled pursuant to the requirements set forth in state and federal laws and regulations.

e. Each package or container in which a controlled substance is stored or dispensed must comply with all state and federal packaging requirements and with rule 811—12.2(169).

12.4(2) Patient records. Patient records are the property of the veterinary practice. Each licensed veterinarian shall maintain for at least five years an easily retrievable record for each patient that receives veterinary services. The record must be available for inspection by the client during normal business hours. The information within patient records is privileged and confidential and cannot be released except by court order, a public health emergency, consent of the client or as otherwise authorized by law. The licensed veterinarian in charge shall provide a copy of the complete record to the client not later than two business days after the licensed veterinarian or practice receives from the client a request for the record. A licensed veterinarian or veterinary practice may have an additional three business days to provide a copy of nondigital diagnostic images. The licensed veterinarian may charge reasonable and customary fees for the copying of records.

a. Records required for patients defined as "livestock" in Iowa Code section 717.1(4) include the following:

- (1) Name, address and telephone number of the client.
- (2) Name or identity of the patient, pen, herd, flock or group, including the identification number, if any.
- (3) Date of service.
- (4) Documentation of client consent.
- (5) Diagnosis or condition at the beginning of treatment of the patient, including results of tests.
- (6) Procedures/indications.
- (7) Name of drug or medication and treatment administered indicating dosage, frequency and route of administration.

- (8) Withdrawal period.
- (9) Record of diagnostic images taken.
- (10) Name of attending licensed veterinarian.

b. Records required for other patients include the following:

- (1) Name, address and telephone number of the client.
- (2) Name and identity of the patient, including the identification number, if any.
- (3) Date of birth (or estimated age), sex, species and breed of patient.
- (4) Dates of care, custody or treatment of the patient.
- (5) A history of the patient's condition as it pertains to the patient's medical status.
- (6) Documentation of client consent.
- (7) Diagnosis or condition at the beginning of treatment of the patient, including results of tests and body weight.

- (8) Surgery record, including preanesthesia medication, anesthesia and the procedure performed.

- (9) Name of drug or medication and treatment administered indicating dosage, frequency and route of administration.

- (10) Progress and disposition of the case.

- (11) Record of diagnostic images taken.
- (12) Name of attending licensed veterinarian.

12.4(3) *Stored diagnostic images.*

a. Each stored diagnostic image must be identified with the following information:

- (1) The name of the licensed veterinarian or facility that took the diagnostic image.
- (2) The name or identifying number, or both, of the patient.
- (3) The name of the client.
- (4) The date on which the diagnostic image was taken.
- (5) The anatomical orientation depicted by the diagnostic image.

b. Stored diagnostic images must be retained for at least five years.

c. A stored diagnostic image of the patient or a copy must be released, upon the written or verbal request, to another licensed veterinarian who has the authorization of the client. Original diagnostic images shall be returned in a reasonable time.

12.4(4) *General anesthesia.* General anesthesia is a condition caused by the administration of a drug or combination of drugs sufficient to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus. The following standards relating to general anesthesia apply:

a. Within 12 hours prior to the administration of a general anesthetic, the patient must receive a physical examination, with the results noted in the patient's medical records.

b. The patient under general anesthesia must be under observation for a length of time appropriate to the species for the patient's safe recovery.

c. The licensed veterinarian must provide a method of respiratory monitoring that may include observing the patient's chest movements, observing the rebreathing bag or using a respirometer.

d. The licensed veterinarian must provide a method of cardiac monitoring, which may include the use of a stethoscope or electrocardiograph monitor.

[ARC 8021C, IAB 5/15/24, effective 7/1/24]

811—12.5(169) Veterinary facilities.

12.5(1) *Facility standards.* The following standards apply to all facilities used by a licensed veterinarian to provide veterinary services.

*a. *Facilities for treatment or hospitalization.** In a facility where patients are examined and retained for treatment or hospitalization, the following must be provided:

(1) An examination room, separate from the reception room or office, with sufficient size to accommodate the licensed veterinarian, assistant, patient and client.

(2) Nonporous tabletops, countertops and floor coverings that can be adequately cleaned and disinfected.

(3) The ability to house patients separately and maintain sanitary conditions.

(4) Appropriate separation of patients with known or suspected infectious and contagious diseases from patients not known to have such diseases in a manner that reasonably guards against transmission of disease.

(5) Provision for daily exercise of patients unless the primary enclosure is of sufficient size to provide exercise.

(6) Exercise areas that are cleaned a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors.

(7) A sanitary area for performing surgeries under sterile conditions. If sterile surgical procedures are performed on the premises, the licensed veterinarian must maintain the following at all times:

1. Appropriate sterile surgical packs including drapes, sponges and instrumentation for use in each procedure.

2. For each sterile surgical procedure, equipment sterilized and surgical packs properly prepared for sterilization sufficient to kill microorganisms.

3. Clean attire, masks and gloves for use in any sterile procedure.

(8) Oxygen and equipment necessary to administer oxygen to the types of patients treated in the facility.

(9) Capability to provide diagnostic radiological images in the facility or through an outside facility.

(10) Provision for laboratory and pharmaceutical services in the facility or through another commercial facility.

b. Facilities for services. Veterinary service facilities where patients are only examined or provided vaccinations must provide the following:

(1) An examination room, separate from the reception room or office, with sufficient size to accommodate the licensed veterinarian, assistant, patient and client.

(2) Nonporous tabletops, countertops and floor coverings that can be adequately cleaned and disinfected.

(3) A secure and sanitary area for the storage of instruments, drugs and medications.

(4) Cooling/heating equipment for the storage of drugs, medications and immunization products.

(5) Capability to provide diagnostic radiological images in the facility or through an outside facility.

(6) Provision for laboratory and pharmaceutical services in the facility or through another commercial facility.

c. Mobile clinics. Mobile clinics are self-contained units for small animal, nonlivestock or nonpoultry patients and shall be equipped with the following:

(1) Hot and cold water.

(2) Nonporous tabletops, countertops and floor coverings that can be adequately cleaned and disinfected.

(3) An adequate power source for diagnostic equipment.

(4) A collecting tank for disposal of waste materials.

(5) Adequate lighting.

(6) Adequate heating, cooling and ventilation.

(7) Sterile instrumentation that meets the requirements of the level of surgery to be performed.

(8) Separate compartments for the transportation or holding of patients.

(9) A secure and sanitary area for the storage of instruments, drugs and medications.

(10) Cooling/heating equipment for the storage of drugs, medications and immunization products.

d. House/farm call units. House/farm call units are not self-contained units and must be equipped with or have access to all of the following:

(1) Water.

(2) Cooling/heating equipment for the storage of drugs, medications and immunization products.

(3) A secure and sanitary area for the storage of instruments, drugs and medications.

e. Emergency veterinary hospitals. "Emergency veterinary hospital" means an animal hospital that provides emergency treatment to an ill or injured patient. Any facility advertising as an emergency facility shall have a licensed veterinarian and auxiliary personnel on the premises during the hours of operation. Any facility that advertises using phrases similar or identical to "24-hour emergency veterinary hospital," "Emergency," "Open 24 hours" or "Day or night care" must have treatment services continuously available.

12.5(2) Safety and sanitation standards. A veterinary facility must have a safe and sanitary environment that:

a. Protects the health of the patients and guards against the transmission of infection.

b. Provides for proper routine disposal of waste materials in compliance with all applicable local, state, and federal laws and regulations and for proper disposal of hypodermic devices, sharps and biomedical waste. Hypodermic devices, sharps and biomedical waste shall be disposed of in accordance with applicable local, state and federal regulations.

c. Provides for proper sterilization or sanitation of all equipment used in diagnosis, treatment or surgery.

d. Ensures the maintenance of proper temperature and ventilation of the indoor facility.

e. Provides adequate lighting appropriate for the task being performed.

f. Includes legal and sanitary methods for the disposal or storage of deceased patients.

g. Meets the standards for radiological procedures as set by the Iowa department of health and human services.

12.5(3) Resources. A library of current journals or textbooks, or Internet access that provides readily accessible reference materials, shall be available.

[ARC 8021C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code chapter 169.

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¹ April 1, 2022, effective date of amendment to 12.1(1)“b”[ARC 6171C] delayed 70 days by the Administrative Rules Review Committee at its meeting held March 7, 2022.

CHAPTER 13
COLLECTION PROCEDURES

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—13.1(169,252J,272D) Licensing actions. In addition to other reasons specified by statute or rule, the board will refuse to issue a credential or may revoke, suspend, or not renew any credential for which it has jurisdiction if the board is in receipt of a certificate of noncompliance from the child support recovery unit pursuant to the procedures set forth in Iowa Code chapter 252J or from the centralized collection unit of the department of revenue pursuant to the procedures set forth in Iowa Code chapter 272D.

An applicant or credential holder whose application is denied or whose credential is denied, suspended, or revoked because of receipt by the board of a certificate of noncompliance issued by the child support recovery unit or by the centralized collection unit of the department of revenue is subject to the provisions of rule 811—13.1(169,252J,272D). Procedures specified in 811—Chapter 10 for contesting board actions do not apply.

[ARC 8022C, IAB 5/15/24, effective 7/1/24]

811—13.2(169,252J,272D) Collection procedures. The following procedures apply to actions taken by the board on a certificate of noncompliance pursuant to Iowa Code chapter 252J or 272D:

13.2(1) The notice mandated by Iowa Code section 252J.8 or 272D.8 will be served upon the applicant or credential holder by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the applicant or credential holder may accept service personally or through authorized counsel.

13.2(2) The effective date of revocation or suspension of a credential or the denial of the issuance or renewal of a credential, as specified in the notice mandated by Iowa Code section 252J.8 or 272D.8, is 60 days following service of the notice upon the credential holder or applicant.

13.2(3) Applicants and credential holders shall keep the board informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J or the centralized collection unit actions taken in connection with Iowa Code chapter 272D. Applicants and credential holders shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9 or 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit or by the centralized collection unit of the department of revenue.

13.2(4) All board fees for applications, credential renewals or reinstatements will be paid by the applicant or credential holder before a credential will be issued, renewed or reinstated after the board has denied the issuance or renewal of a credential or has suspended or revoked a credential pursuant to Iowa Code chapter 252J or 272D.

13.2(5) If an applicant or credential holder timely files a district court action following service of a board notice pursuant to Iowa Code sections 252J.8 and 252J.9 or Iowa Code sections 272D.8 and 272D.9, the board will continue with the intended action described in the notice upon receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For the purpose of determining the effective date of revocation or suspension, or denial of the issuance or renewal of a credential, the board will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

[ARC 8022C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code chapters 169, 252J and 272D.

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CHAPTER 14
WAIVER OF RULES

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

811—14.1(17A,169) Definition. For purposes of this chapter, “waiver” means action by the board that suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.2(17A,169) Scope of chapter. This chapter outlines generally applicable standards and a uniform process for the granting of individual waivers from rules adopted by the board in situations where no other more specifically applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision supersedes this chapter with respect to any waiver from that rule.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.3(17A,169) Applicability. The board may grant a waiver from a rule only if the board is authorized to do so by Iowa Code section 17A.9A(1).

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.4(17A,169) Criteria for waiver. In response to a petition completed pursuant to rule 811—14.6(17A,169), the board may issue an order waiving in whole or in part the requirements of a rule in accordance with Iowa Code section 17A.9A(2) “a” through “d.”

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.5(17A,169) Filing of petition. A petition for a waiver will only be considered by the board if it is submitted in writing to the board as follows:

14.5(1) *Credential application.* If the petition relates to a credential application, the petition is made in accordance with the filing requirements for the credential in question.

14.5(2) *Contested cases.* If the petition relates to a pending contested case, the petition is filed in the contested case proceeding using the caption of the contested case.

14.5(3) *Other.* If the petition does not relate to a credential application or a pending contested case, the petition is submitted to the board’s secretary.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.6(17A,169) Content of petition. A petition for waiver will only be considered by the board if it includes the following information where applicable and known to the requester:

1. The name, address, and telephone number of the entity or person for whom a waiver is being requested and the case number of any related contested case.

2. A description and citation of the specific rule from which a waiver is requested.

3. The specific waiver requested, including the precise scope and duration.

4. The relevant facts that the petitioner believes would justify a waiver under each of the four criteria described in rule 811—14.4(17A,169), a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition, and a statement of reasons that the petitioner believes will justify a waiver.

5. A history of any prior contacts between the board and the petitioner relating to the regulated activity or credential affected by the proposed waiver, including a description of each affected credential held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity or credential within the last five years.

6. Any information known to the requester regarding the board’s treatment of similar cases.

7. The name, address, and telephone number of any public agency or political subdivision that also regulates the activity in question or that might be affected by the granting of a waiver.

8. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

9. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

10. Signed releases of information authorizing persons with knowledge regarding the request to furnish the board with information relevant to the waiver.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.7(17A,169) Additional information. Prior to issuing an order granting or denying a waiver, the board may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the board may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the board's executive secretary, a committee of the board, or a quorum of the board.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.8(17A,169) Notice. The board will acknowledge a petition upon receipt. The board will ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law. In addition, the board may give notice to other persons. To accomplish this notice provision, the board may require the petitioner to serve the notice on all persons to whom notice is necessary by any provision of law and provide a written statement to the board attesting that notice has been provided.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.9(17A,169) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply to any petition for a waiver filed within a contested case and otherwise apply to agency proceedings for a waiver only when the board so provides by rule or order or is mandated to do so by statute.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.10(17A,169) Ruling. An order granting or denying a waiver will be in writing and contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and duration of the waiver if one is issued.

14.10(1) Time for ruling. The board will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the board will grant or deny the petition no later than the time at which the final decision in that contested case is issued.

14.10(2) When deemed denied. Failure of the board to grant or deny a petition within the applicable time period is deemed a denial of that petition by the board. However, the board remains responsible for issuing an order denying a waiver.

14.10(3) Service of order. Within seven days of its issuance, any order issued under this chapter will be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.11(17A,169) Public availability. All orders granting or denying a waiver petition will be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information the board is authorized or needs to keep confidential. The board may accordingly redact confidential information from petitions or orders prior to public inspection.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.12(17A,169) Submission of waiver information. Within 60 days of granting or denying a waiver, the board will make a submission on the Internet site established pursuant to Iowa Code section 17A.9A(4) for the submission of waiver information.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.13(17A,169) Cancellation of a waiver. A waiver issued by the board pursuant to this chapter may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the board issues an order finding any of the following:

1. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver;
2. The alternative means for ensuring that the public health, safety, and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or
3. The subject of the waiver order has failed to comply with all conditions contained in the order.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.14(17A,169) Violations. Violation of a condition in a waiver order is treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.15(17A,169) Defense. After the board issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

811—14.16(17A,169) Judicial review. Judicial review of a board's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

[ARC 8023C, IAB 5/15/24, effective 7/1/24]

These rules are intended to implement Iowa Code section 17A.9A and chapter 169.

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CHAPTER 15
MILITARY SERVICE AND VETERAN RECIPROCITY

Chapter rescission date pursuant to Iowa Code section 17A.7: 11/8/28

811—15.1(272C) Definitions.

“*Board*” means the Iowa board of veterinary medicine.

“*License*” or “*licensure*” means any license, registration, certificate, or permit that may be granted by the Iowa board of veterinary medicine.

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“*Military service applicant*” means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

“*Spouse*” means a spouse of an active duty member of the military forces of the United States.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

[ARC 7078C, IAB 10/4/23, effective 11/8/23]

811—15.2(272C) Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure by submitting a military service application form to the board office.

15.2(1) The application may be submitted with an application for licensure or examination, or prior to application for licensure or to take an examination. No fee is required with submission of an application for military service credit.

15.2(2) The applicant shall identify the experience or educational licensure requirement to which the credit would be applied if granted. Credit shall not be applied to an examination requirement.

15.2(3) The applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

15.2(4) Upon receipt of a completed military service application, the board shall promptly determine whether the verified military education, training, or service will satisfy all or any part of the identified experience or educational qualifications for licensure.

15.2(5) The board shall grant credit requested in the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for licensure.

15.2(6) The board shall inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure, or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.

15.2(7) A military service applicant who is aggrieved by the board’s decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board’s decision. The provisions of rules 811—10.13(17A,169,272C) through 811—10.38(17A) shall apply, except that no fees or costs shall be assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

15.2(8) The board shall grant or deny the military service application prior to ruling on the application for licensure. The applicant shall not be required to submit any fees in connection with the licensure application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the licensure application or request that the licensure application be placed in pending status for up to one year or as mutually agreed. The withdrawal of a licensure application shall not preclude subsequent applications supported by additional documentation or information.

[ARC 7078C, IAB 10/4/23, effective 11/8/23]

811—15.3(272C) Veteran or spouse reciprocity.

15.3(1) A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

15.3(2) Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including but not limited to completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or a spouse of an active duty member of the military forces of the United States.

15.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the scope of practice in the jurisdiction where the applicant is licensed is substantially equivalent to the scope of practice in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction.

15.3(4) The board shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose scope of practice is substantially equivalent to the scope of practice in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background.

15.3(5) If the board determines that the scope of practice in the jurisdiction in which the applicant is licensed is not substantially equivalent to the scope of practice in Iowa, the board shall promptly inform the applicant of the additional education or training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a temporary license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

b. If additional education or training is required, the applicant may request that the board issue a temporary license for a specified period of time during which the applicant will successfully complete the necessary education or training. The board shall issue a temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a temporary license is granted.

c. If a request for a temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a temporary license.

d. If a temporary license is issued, the application for full licensure shall be placed in pending status until the necessary education or training has been successfully completed or the temporary license expires, whichever occurs first. The board may extend a temporary license on a case-by-case basis for good cause.

15.3(6) An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a temporary license or is aggrieved by the terms under which a temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. The provisions of rules 811—10.13(17A,169,272C) through 811—10.38(17A) shall apply, except that no fees or costs shall be assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

[ARC 7078C, IAB 10/4/23, effective 11/8/23]

These rules are intended to implement Iowa Code section 272C.12A.

[Filed ARC 7078C (Notice ARC 7029C, IAB 5/31/23), IAB 10/4/23, effective 11/8/23]

CHAPTER 16
CONTESTED CASES

[Prior to 5/15/24, see Veterinary Medicine Board[811] Ch 10]

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/29

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

[ARC 8011C, IAB 5/15/24, effective 7/1/24]

811—16.1(17A) Scope and applicability. In lieu of “(agency name)” insert “board of veterinary medicine”.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.2(17A) Definitions. In lieu of “(agency name)” insert “board of veterinary medicine”.

“*Contested case*” means the same as defined in Iowa Code section 17A.2(5).

“*Presiding officer*” means the chairperson of the board or designee.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.3(17A) Time requirements.

16.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer will afford all parties an opportunity to be heard or to file written arguments.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.5(17A) Notice of hearing. The board will issue an order, notice of hearing, and statement of charges following its determination of probable cause pursuant to Iowa Code section 17A.12(2). Delivery of the notice of hearing constitutes the commencement of the contested case proceeding.

16.5(1) Notice.

a. The date, time, and location of the hearing will be set by the board. The credential holder will be notified at least 30 days prior to the scheduled hearing.

b. Notification will be in writing delivered either by personal service as in civil actions or by certified mail with return receipt requested. When the credential holder cannot be located:

(1) An affidavit will be prepared outlining the measures taken to attempt service and will become a part of the record when a notice cannot be delivered by personal service or certified mail, return receipt requested.

(2) Notice of hearing will be published once each week for three consecutive weeks in a newspaper of general circulation, published or circulated in the county of last-known residence of the credential holder. The newspaper will be selected by the secretary or designee. The first notice of hearing will be published at least 30 days prior to the scheduled hearing.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.6(17A) Presiding officer. Disciplinary hearings will be conducted by the board pursuant to Iowa Code section 272C.6. The chairperson of the board will designate the presiding officer in accordance with the provisions of Iowa Code section 17A.11.

16.6(1) For nondisciplinary proceedings, any party who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the department of inspections, appeals, and licensing must file a written request within 20 days after service of a notice of hearing.

16.6(2) In lieu of “agency (or its designee)” insert “executive secretary”.

c. The board does not adopt X.6(2)“c.”

i. The request would not conform to the disciplinary hearing provision of Iowa Code section 272C.6.

16.6(3) The executive secretary will issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.

16.6(4) The board does not adopt X.6(4).

16.6(6) In lieu of “agency heads and members of multimembered agency heads” insert “the board”.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.9(17A) Disqualification.

16.9(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 16.9(1), the party must file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party. If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification but must establish the grounds by the introduction of evidence into the record.

If the presiding officer determines that disqualification is appropriate, the presiding officer or other person must withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer must enter an order to that effect.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.12(17A) Service and filing of pleadings and other papers.

16.12(3) *Filing—when required.* After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding must be filed with the board.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.15(17A) Motions.

16.15(5) The board does not adopt X.15(5).

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.17(17A) Continuances. The executive secretary has the authority to grant a continuance after consultation, if needed, with the chairperson of the board.

A request for continuance of a contested case matter must be submitted in writing to the board not later than seven days prior to the scheduled date of the hearing. Exceptions may be granted at the discretion of the executive secretary only in situations involving extenuating, extraordinary, or emergency circumstances.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.19(17A) Intervention. The board does not adopt X.19.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.22(17A) Default.

16.22(8) The board does not adopt X.22(8).

16.22(10) The board does not adopt X.22(10).

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.23(17A) Ex parte communication.

16.23(6) In lieu of “executive director” insert “executive secretary”.

16.23(9) Promptly after being assigned to serve as presiding officer on a hearing panel, as a member of a full board hearing, on an intra-agency appeal, or other basis, a presiding officer must disclose to all parties material factual information received through ex parte communication prior to such assignment, unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

16.23(10) In lieu of “(agency to designate person to whom violations should be reported)” insert “the board’s executive secretary”.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.24(17A) Recording costs. In lieu of “(agency name)” insert “board”.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.25(17A) Interlocutory appeals. The board does not adopt X.25.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.26(17A) Final decision. When the board presides over reception of the evidence at the hearing, its decision is a final decision.

16.26(1) When a panel of specialists presides over the reception of evidence at the hearing, the findings of fact will be considered by the board at the earliest feasible time. The decision of the board is a final decision.

16.26(2) A final decision in a contested case proceeding must be in writing and include findings of fact and conclusions of law, separately stated.

a. Findings of fact must be accompanied by a concise and explicit statement of underlying facts supporting the findings.

b. The decision must include an explanation of why the relevant evidence in the record supports each material finding of fact.

c. Conclusions of law must be supported by cited authority or by a reasoned opinion.

16.26(3) The decision or order must be promptly delivered to the parties in the manner provided by Iowa Code section 17A.12.

16.26(4) The final decision is a public record pursuant to Iowa Code section 272C.6(4).

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.27(17A) Appeals.

16.27(1) *Appeal by party.* Any adversely affected party may appeal a final decision of the board to the district court within 30 days after issuance in accordance with Iowa Code section 17A.19.

16.27(2) *Review.* The board may initiate review of the decision or order on its own motion at any time within 30 days following the issuance of such a decision.

16.27(3) *Notice of appeal.* In lieu of “a proposed decision” insert “decision or order”, and in lieu of “(agency name)” insert “board”.

16.27(4) *Requests to present additional evidence.* In lieu of “14 days (or other time period designated by the agency)” insert “15 days”. In lieu of “(board, commission, director)” insert “board”.

16.27(5) *Scheduling.* In lieu of “(agency name)” insert “board”.

16.27(6) *Briefs and arguments.* In lieu of “(board, commission, director)” insert “board”.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.28(17A) Applications for rehearing.

16.28(3) *Time of filing.* In lieu of “(agency name)” insert “board”.

16.28(4) *Notice to other parties.* In lieu of “(agency name)” insert “board”.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.29(17A) Stays of agency actions. The board does not adopt X.29.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.30(17A) No factual dispute contested cases. If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

811—16.31(272C) Disciplinary hearing—fees and costs.

16.31(1) *Definitions.* As used in this rule in relation to a formal disciplinary action filed by the board against a credential holder:

“*Deposition*” means the testimony of a person taken pursuant to subpoena or at the request of the state of Iowa taken in a setting other than a hearing.

“*Expenses*” means costs incurred by persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa in a hearing or other official proceeding and shall include mileage reimbursement at the rate specified in Iowa Code section 70A.9 or, if commercial air or ground transportation is used, the actual cost of transportation to and from the proceeding. Also included are actual costs incurred for meals and necessary lodging.

“*Medical examination fees*” means actual costs incurred by the board in a physical, mental, chemical abuse, or other impairment-related examination or evaluation of a credential holder when the examination or evaluation is conducted pursuant to an order of the board.

“*Record*” means the proceedings of the hearing including but not limited to the transcript and any documentary evidence admitted or offered at the hearing.

“*Transcript*” means a printed verbatim reproduction of everything said on the record during a hearing or other official proceeding.

“*Witness fees*” means compensation paid by the board to persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa. For the purpose of this rule, compensation shall be the same as outlined in Iowa Code section 622.69 or 622.72, as applicable.

16.31(2) *Disciplinary hearing fee.* The board may charge a fee not to exceed the amount authorized in Iowa Code section 272C.6 for conducting a disciplinary hearing that results in disciplinary action taken against the credential holder by the board. An order assessing a fee must be included as part of the board’s final decision. The order must direct the credential holder to deliver payment directly to the department of agriculture and land stewardship as provided in subrule 16.31(6).

16.31(3) *Recovery of related hearing costs.* The board may also recover from the credential holder the costs for transcripts, witness fees and expenses, depositions, and medical examination fees, if disciplinary action is taken. The board may assess these costs in the manner it deems most equitable in accordance with the following:

a. Transcript costs. The board may assess the transcript costs against the credential holder pursuant to Iowa Code section 272C.6(6) or against the requesting party pursuant to Iowa Code section 17A.12(7).

(1) The cost of the transcript includes the transcript of the original contested case hearing before the board, as well as transcripts of any other formal proceedings before the board that occur after the notice of the contested case hearing is filed.

(2) In the event of an appeal to the full board from a proposed decision, the appealing party must timely request and pay for the transcript necessary for use in the board appeal process.

b. Witness fees and expenses. The parties in a contested case are responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing. In addition, the board may assess a credential holder the witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa, provided that the costs are calculated as follows:

(1) The costs for lay witnesses will be determined in accordance with Iowa Code section 622.69. For purposes of calculating the mileage expenses allowed under that section, the provisions of Iowa Code section 625.2 do not apply.

(2) The costs for expert witnesses will be determined in accordance with Iowa Code section 622.72. For purposes of calculating the mileage expenses allowed under that section, the provisions of Iowa Code section 625.2 do not apply.

(3) The provisions of Iowa Code section 622.74 regarding advance payment of witness fees and the consequences of failure to make such payment are applicable with regard to witnesses who are subpoenaed by either party to testify at the hearing.

(4) The board may assess as costs the meal and lodging expenses necessarily incurred by witnesses testifying at the request of the state of Iowa. Meal and lodging costs shall not exceed the reimbursement employees of the state of Iowa receive for these expenses under the department of revenue guidelines currently in effect.

c. Deposition costs. Deposition costs for purposes of allocating costs against a credential holder include only those deposition costs incurred by the state of Iowa. The credential holder is directly responsible for the payment of deposition costs incurred by the credential holder.

(1) The costs for depositions include the cost of transcripts, the daily charge of the court reporter for attending and transcribing the deposition, and all mileage and travel time charges of the court reporter for traveling to and from the deposition that are charged in the ordinary course of business.

(2) If the deposition is of an expert witness, the deposition costs include a reasonable fee for an expert witness. This fee must not exceed the expert's customary hourly or daily fee, and must include the time reasonably and necessarily spent in connection with the deposition, including the time spent in travel to and from the deposition, but excluding time spent in preparation for the deposition.

d. Medical examination fees. All costs of physical or mental examinations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation of a pending complaint or as a sanction following a contested case must be paid directly by the credential holder.

16.31(4) *Certification of reimbursable costs.* Within ten days after conclusion of a contested case hearing and before issuance of any final decision assessing costs, the secretary must certify any reimbursable costs to the board. The secretary must calculate the specific costs, certify the costs calculated, and file the certification as part of the record in the contested case. A copy of the certification must be served on each party of record at the time of the filing.

16.31(5) *Assessment of fees and costs.* A final decision of the board imposing disciplinary action against a credential holder must include the amount of any fee assessed. If the board also assesses costs against the credential holder, the final decision must include a statement of costs delineating each category of costs and the amount assessed. The board must specify the time period in which the fees and costs must be paid by the credential holder.

a. A party must file an objection to any fees or costs imposed in a final decision in order to exhaust administrative remedies. An objection must be filed in the form of an application for rehearing pursuant to Iowa Code section 17A.16(2).

b. The application must be resolved by the board consistent with the procedures for ruling on an application for rehearing. Any dispute regarding the calculations of any fees or costs to be assessed may be resolved by the board upon receipt of the parties' written objections.

16.31(6) *Payment of fees and costs.* Payment for fees and costs assessed pursuant to this rule must be made in the form of a check or money order made payable to the state of Iowa and delivered by the credential holder to the department of agriculture and land stewardship.

16.31(7) *Failure to make payment.* Failure of a credential holder to pay any fees and costs within the time specified in the board's decision constitutes a violation of an order of the board and is grounds for disciplinary action.

[ARC 8024C, IAB 5/15/24, effective 7/1/24]

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

[Filed ARC 8024C (Notice ARC 7570C, IAB 1/24/24), IAB 5/15/24, effective 7/1/24]