

CHAPTER 22
MANDATORY REPORTING
[Prior to 7/19/06, see 653—Chapter 12]

653—22.1(272C) Mandatory reporting—judgments or settlements. Each licensee, including a licensee holding an inactive license, shall report to the board every adverse judgment and every settlement of a claim against the licensee in a malpractice action to which the licensee is a party. The report, together with a copy of the judgment or settlement, must be filed with the board within 30 days from the date of said judgment or settlement. Failure to report judgments or settlements in accordance with this rule within the required 30-day period shall constitute a basis for disciplinary action against the licensee who failed to report.

653—22.2(272C) Mandatory reporting—wrongful acts or omissions.

22.2(1) Definitions. For the purposes of this rule, the following definitions apply:

“Knowledge” means any information or evidence of reportable conduct acquired by personal observation, from a reliable or authoritative source, or under circumstances causing the licensee to believe that wrongful acts or omissions may have occurred.

“Reportable conduct” means a wrongful act or omission that may constitute a basis for disciplinary action under this chapter or any state law or administrative rule that gives the board jurisdiction over the conduct of a licensee.

22.2(2) Reporting requirement. A report shall be filed with the board when a licensee has knowledge as defined in this rule that another person licensed by the board may have engaged in reportable conduct.

a. The report shall be filed with the board no later than 30 days from the date the licensee acquires knowledge of the reportable conduct.

b. The report shall contain the name and address of the licensee who may have engaged in the reportable conduct, the date, time, place and circumstances in which the conduct occurred, and a statement explaining how knowledge of the reportable conduct was acquired.

c. The final determination of whether or not wrongful acts or omissions have occurred is the responsibility of the board.

d. A physician is not required to report confidential communication obtained from a physician in the course and as a result of a physician-patient relationship or when a state or federal statute prohibits such disclosure.

e. Failure to report a wrongful act or omission in accordance with this rule within the required 30-day period shall constitute a basis for disciplinary action against the licensee who failed to report.

f. A licensee who makes a good-faith report pursuant to this chapter and Iowa Code section 272C.6(7) shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed.

653—22.3(272C) Mandatory reporting—disciplinary action in another jurisdiction. Each licensee, including a licensee holding an inactive license, shall report to the board every license revocation, suspension or other disciplinary action taken against the licensee by a professional licensing authority of another state, an agency of the United States government, or any country, territory or other jurisdiction. The report must be filed with the board within 30 days from the date of the action against the physician’s license. Failure to report such disciplinary action in accordance with this rule within the required 30-day period shall constitute a basis for disciplinary action against the licensee.

653—22.4(272C) Mandatory reporting—child abuse and dependent adult abuse. Each licensee shall report child abuse and dependent adult abuse as required by state and federal law. Failure to report child abuse and dependent adult abuse as required by state and federal law in accordance with this rule shall constitute a basis for disciplinary action against the licensee.

These rules are intended to implement Iowa Code chapters 17A, 147, 148, and 272C.

[Filed 2/5/79, Notice 11/29/78—published 2/21/79, effective 3/29/79]
 [Filed without Notice 2/14/80—published 3/5/80, effective 4/9/80]
 [Filed 10/10/80, Notice 8/20/80—published 10/29/80, effective 12/3/80]
 [Filed 6/14/82, Notice 4/28/82—published 7/7/82, effective 8/11/82]
 [Filed 9/9/83, Notice 8/3/83—published 9/28/83, effective 11/2/83]
 Filed 3/9/84, Notice 1/18/84—published 3/28/84, effective 5/2/84]
 [Filed 10/19/84, Notice 8/29/84—published 11/7/84, effective 12/12/84]²
 [Filed emergency 4/15/88—published 5/4/88, effective 4/15/88]
 [Filed 10/28/88, Notice 6/15/88—published 11/16/88, effective 12/21/88]
 [Filed 7/21/89, Notice 5/17/89—published 8/9/89, effective 9/13/89]
 [Filed 8/2/90, Notice 5/30/90—published 8/22/90, effective 9/26/90]
 [Filed 4/1/94, Notice 2/2/94—published 4/27/94, effective 6/1/94]
 [Filed 11/3/94, Notice 9/28/94—published 11/23/94, effective 12/28/94]
 [Filed 12/14/95, Notice 8/30/95—published 1/3/96, effective 2/7/96]
 [Filed 2/23/96, Notice 9/27/95—published 3/13/96, effective 4/17/96]
 [Filed 2/23/96, Notice 1/3/96—published 3/13/96, effective 4/17/96]
 [Filed 5/2/97, Notice 3/12/97—published 5/21/97, effective 6/25/97]
 [Filed 5/2/97, Notice 3/26/97—published 5/21/97, effective 6/25/97]
 [Filed 2/2/98, Notice 11/5/97—published 2/25/98, effective 4/1/98]
 [filed 6/12/98, Notice 4/22/98—published 7/1/98, effective 8/5/98]
 [Filed 2/5/99, Notice 12/2/98—published 2/24/99, effective 3/31/99]
 [Filed 4/30/99, Notice 3/24/99—published 5/19/99, effective 7/1/99]
 [Filed 11/10/99, Notice 9/22/99—published 12/1/99, effective 1/5/00]
 [Filed 12/1/00, Notice 10/18/00—published 12/27/00, effective 1/31/01]
 [Filed 5/11/01, Notice 4/4/01—published 5/30/01, effective 7/4/01]
 [Filed 2/14/02, Notice 1/9/02—published 3/6/02, effective 4/10/02]
 [Filed 6/6/02, Notice 3/6/02—published 6/26/02, effective 7/31/02]
 [Filed 5/20/04, Notice 4/14/04—published 6/9/04, effective 7/14/04]
 [Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/8/04]
 [Filed 7/29/05, Notice 6/22/05—published 8/17/05, effective 9/21/05]
 [Filed 6/27/06, Notice 2/15/06—published 7/19/06, effective 8/23/06]

¹ Effective date of subrule 135.204(10) [renumbered 12.4(10), IAC 5/4/88] delayed by the Administrative Rules Review Committee 70 days from November 2, 1983.

² Effective date of rules 135.206, 135.207 and 135.208 [renumbered 12.6, 12.7 and 12.8, IAC 5/4/88] delayed by the Administrative Rules Review Committee 70 days from December 12, 1984. Delay lifted by committee on January 9, 1985.