

CHAPTER 10
PEER REVIEW

[Prior to 11/14/01, see 193C—4.5(542B)]

193C—10.1(542B,272C) Peer review. The board may appoint a peer reviewer, or multiple peer reviewers, for the investigation of a complaint about the acts or omissions of one or more licensees.

10.1(1) Peer review. Peer reviewers shall generally be licensed engineers or licensed land surveyors or both, as determined by the board, who are selected for their knowledge and experience in the type of engineering or land surveying involved in the complaint.

An individual shall be ineligible as a peer reviewer in accordance with the standard for disqualification found at 193—subrule 7.14(1). If a peer reviewer is unable to serve after an investigation has begun, the peer reviewer must notify the board office.

10.1(2) Authority. The peer reviewer's investigation may include activities such as interviewing the complainant, the respondent, individuals with knowledge of the alleged violation, and individuals with knowledge of the respondent's practice in the community; gathering documents; conducting site visits; and performing independent analyses as deemed necessary. Although the board does not become involved in a complaint investigation, the board may give specific instructions to the peer reviewer regarding the scope of the investigation. In the course of the investigation, the peer reviewer shall refrain from advising the complainant or respondent on actions that the board might take.

10.1(3) Term of service. The peer reviewer serves at the pleasure of the board. The board may dismiss any peer reviewer or add new peer reviewers at any time.

10.1(4) Compensation. The terms of payment as authorized by the peer review agreement may vary based on the nature and complexity of each assignment. The peer reviewer shall be additionally entitled to reimbursement of expenses directly related to the peer review process, deposition or hearing preparation, or deposition or hearing testimony, such as mileage, meals, or out-of-pocket charges for securing copies of documents. Expenses will be reimbursed as allowed under the manuals and guidelines published by the Iowa department of administrative services, state accounting enterprise. The peer reviewer shall not hire legal counsel, investigators, secretarial help or any other assistance without written authorization from the board.

[ARC 4206C, IAB 1/2/19, effective 2/6/19]

193C—10.2(542B,272C) Reports. Each peer reviewer shall submit a written report to the board within 90 days of the peer review assignment, unless an extension is granted by the board.

10.2(1) Components of the report. The report shall include:

- a. A statement of the charge to the peer reviewer;
- b. A description of the actions taken by the peer reviewer in the peer reviewer's investigation, including but not limited to document review, interviews and site visits;
- c. A summary of the peer reviewer's findings, including (1) the peer reviewer's opinion as to whether a violation has occurred, (2) citation of the Iowa Code section(s) and Iowa Administrative Code rule(s) violated, and (3) the peer reviewer's opinion of the seriousness of the violation; and
- d. A recommendation.

In the case of a land surveyor peer reviewer report, the report must be plat-specific as to the violations.

10.2(2) Recommended action. The peer reviewer report shall recommend one of the following:

- a. Dismissal of the complaint,
- b. Further investigation, or
- c. Disciplinary proceedings.

If the peer reviewer recommends further investigation or disciplinary proceedings, supporting information must be submitted to the board, including citation of the specific Iowa Code section(s) and Iowa Administrative Code rule(s) violated.

10.2(3) Disciplinary recommendations. When recommending disciplinary proceedings, a peer reviewer shall refrain from suggesting a particular form of discipline, but may provide guidance on the

severity of the violations that prompted the recommendation and may identify professional areas in which the licensee needs additional education, experience or monitoring in order to safely practice.

[ARC 4206C, IAB 1/2/19, effective 2/6/19]

193C—10.3(542B,272C) Confidentiality. The peer reviewer shall not discuss the peer reviewer's findings and conclusions with any party to the complaint. Peer reviewer findings including the name of the complainant shall be kept confidential at all times. The peer reviewer shall not reveal the peer reviewer's findings to anyone other than the board (through the peer reviewer's report to the board) or board staff. Peer reviewer findings shall be used only for the purposes of the board's possible disciplinary action and not for any other court case, lawsuit, or investigation. Peer reviewer reports are not subject to discovery.

[ARC 4206C, IAB 1/2/19, effective 2/6/19]

193C—10.4(542B,272C) Testimony. Peer reviewers may be required to testify in the event of formal disciplinary proceedings.

[ARC 4206C, IAB 1/2/19, effective 2/6/19]

These rules are intended to implement Iowa Code section 272C.3.

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