CHAPTER 2
ALLOCATION OF DISCIPLINARY FEES AND COSTS

193—2.1(272C) Allocation of disciplinary fees and costs.

2.1(1) Definition.

"Board(s)" includes the professional licensing boards as defined in 191—Chapter 1.

2.1(2) All hearing fees and costs assessed by the boards will be paid directly to the department and held in a separate fund administered by the administrator.

2.1(3) The administrator will distribute moneys held in this fund during the fiscal year in which those moneys are paid. Distributions from the fund are made upon the request of a board and at the sole discretion of the administrator. A distribution received by a board under this chapter will be used only for expenditures related to disciplinary hearings.

2.1(4) The administrator will consider the following factors in exercising discretion as to whether to distribute funds to a requesting board:

a. The remaining funds in the board's allocated appropriation for disciplinary hearings in that fiscal year.

b. The number of disciplinary hearings the board has scheduled for the remainder of that fiscal year; the nature and seriousness of those hearings; and the public health, safety, and welfare interests implicated by those hearings.

c. Whether the board has adopted and implemented hearing cost recovery rules.

2.1(5) The administrator will distribute a percentage of the remaining fees and costs to each board.

2.1(6) The fees and costs allocated back to the individual professional licensing boards will be considered repayment receipts as defined in Iowa Code section 8.2. The fees and costs allocated back to each professional board will be applied to the costs incurred by each profession for prosecution of contested cases that could result in disciplinary action.

This rule is intended to implement Iowa Code section 272C.6(6).

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