

193—2.1(272C) Allocation of disciplinary fees and costs.**2.1(1) Definitions.**

“*Board(s)*” shall include the professional licensing boards and commission within the professional licensing and regulation bureau of the banking division of the department of commerce.

“*Bureau*” means the professional licensing and regulation bureau of the banking division of the department of commerce.

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

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

2.1(4) The administrator shall 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 shall, within 45 days from the end of the fiscal year, distribute to each board a percentage of the remaining fees and costs that is equal to the percentage of that board’s total allocated budget in relation to the bureauwide total budget for all professional licensing boards governed by this chapter.

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

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