

**653—1.3(17A) Organization of board.** The board:

**1.3(1)** Makes policy relative to matters involving medical and acupuncture education, licensure, practice, and discipline.

**1.3(2)** Conducts business according to board-approved policy.

**1.3(3)** Elects a chairperson, vice chairperson and a secretary from its membership at the last regular board meeting prior to May 1 or at another date in April scheduled by the board.

**1.3(4)** A majority of the members of the board shall constitute a quorum. Official action, including filing of formal charges or imposition of discipline, requires a majority vote of members present.

**1.3(5)** Has the authority to:

*a.* Administer the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, the practice of acupuncture by acupuncturists, and the practice of genetic counseling by genetic counselors.

*b.* Review or investigate, upon receipt of a complaint or upon its own initiation, based upon information or evidence received, alleged violations of statutes or rules which relate to the practice of medicine and surgery, osteopathic medicine and surgery, the practice of acupuncture by licensed acupuncturists, and the practice of genetic counseling by licensed genetic counselors.

*c.* Determine in any case whether an investigation or a disciplinary action is warranted.

*d.* Initiate and prosecute disciplinary proceedings.

*e.* Impose licensee discipline.

*f.* Request that the attorney general file appropriate court action for enforcement of the board's authority relating to licensees or other persons who are charged with violating statutes or rules the board administers or enforces.

*g.* Establish and register peer reviewers.

*h.* Refer to one or more registered peer reviewers for investigation, review, and report to the board any complaint or other evidence of an act or omission which the board has reasonable grounds to believe may constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

*i.* Determine eligibility for license renewal and administer the renewal of licenses.

*j.* Establish and administer rules for continuing education and mandatory training requirements as a condition of license renewal.

*k.* Establish fees for examination, fees for the issuance of licenses and fees for other services provided by the board with the intention of producing sufficient revenue to cover the expenses involved with operation of the board and the board office.

*l.* Establish committees of the board, the members of which, except for the executive committee, shall be appointed by the board chairperson and shall not constitute a quorum of the board. The board chairperson shall appoint committee chairpersons. Committees of the board may include:

(1) Executive committee. The membership shall be composed of the elected officers of the board and two at-large members appointed by the chairperson. At least one public member shall be appointed to the executive committee. The executive committee duties may include, but are not limited to:

1. Guidance and supervision of the executive director.

2. Budgetary review and recommendations to the board.

3. Review and recommendations to the board on rules and legislative proposals.

4. Study and recommendations to the board on practice issues and policy.

(2) Screening committee. The committee reviews complaints and makes recommendations to the board on appropriate action including further investigation or referral to the board for closure.

(3) Licensure committee. Its duties may include:

1. Recommending appropriate action on completed applications for licensure.

2. Conducting interviews with applicants when appropriate.

3. Reviewing licensure examination matters.

4. Reviewing and recommending to the board appropriate changes in licensure application forms.

5. Reviewing and making recommendations to the board regarding volunteer physician applicants who wish to participate in the state-indemnified volunteer physician program and who are under investigation or who have or have had disciplinary action against a license in the present or in the past.

6. Making recommendations on licensure policy issues.

(4) Monitoring committee. The committee oversees the monitoring of licensees under board orders and makes recommendations to the board on these matters.

*m.* Establish the Iowa physician health committee as its licensee review committee.

*n.* Advise the director of the department of public health in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director's duties.

*o.* Adopt administrative rules and pursue legislation where necessary to conduct the board's business.

*p.* Establish a pool of up to ten alternate board members to serve on a hearing panel when a sufficient number of board members is unavailable to hear a contested case.

**1.3(6)** Guide and direct a full-time executive director who:

*a.* Is not a member of the board.

*b.* Under the supervision of the director of the department of public health and the guidance or direction of the board performs administrative duties of the board including, but not limited to: staff supervision and delegation; administration and enforcement of the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, the practice of acupuncture, and the practice of genetic counseling; issuance of subpoenas on behalf of the board or a committee of the board during the investigation of possible violations; and enunciation of policy on behalf of the board.

**1.3(7)** Establishes, in accordance with Iowa Code section 148.2A, a pool of alternate board members.

*a.* At the beginning of each fiscal year, the executive director presents a list of persons who are qualified under Iowa Code section 148.2A to serve as alternate board members for the year beginning September 1.

*b.* The executive director shall present the board-approved list of alternate board members to the governor for approval.

*c.* Once the governor approves an alternate board member, the executive director or designee may assign the approved member to hear a contested case when an approved number of board members is unavailable.

[ARC 5599C, IAB 5/5/21, effective 6/9/21]