

VETERINARY MEDICINE BOARD[811]

Notice of Intended Action

**Proposing rulemaking related to declaratory orders
and providing an opportunity for public comment**

The Board of Veterinary Medicine hereby proposes to rescind Chapter 3, “Declaratory Orders,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 169.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 169 and 272C.

Purpose and Summary

This proposed rulemaking updates the Board’s declaratory order rules by removing outdated or redundant provisions that are covered by statute.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 811—Chapter 14.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on March 29, 2024. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 29, 2024
10 a.m.

Second Floor Boardroom
Wallace State Office Building
Des Moines, Iowa

March 8, 2024
10 a.m.

Second Floor Boardroom
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 811—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY ORDERS

The veterinary medicine board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

811—3.1(17A,169,272C) Petition for declaratory order. In lieu of “(designate agency)”, insert “board of veterinary medicine (hereinafter referred to as “the board”)”. In lieu of “(designate agency)” the subsequent times the words are used, insert “board”. In lieu of “(designate office)”, insert “State Veterinarian’s Office, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”. In lieu of “(AGENCY NAME)”, insert “BOARD OF VETERINARY MEDICINE”.

811—3.2(17A,169,272C) Notice of petition. In lieu of “ _____ days (15 or less)”, insert “15 days”. In lieu of “(designate agency)”, insert “board”.

811—3.3(17A,169,272C) Intervention.

3.3(1) In lieu of “ _____ days”, insert “20 days”.

3.3(2) In lieu of “(designate agency)”, insert “the board”.

3.3(3) In lieu of “(designate office)”, insert “the state veterinarian’s office at the department of agriculture and land stewardship in the Wallace State Office Building”. In lieu of the words “(designate agency)”, insert “board”. In lieu of “(AGENCY NAME)”, insert “BOARD OF VETERINARY MEDICINE”.

Delete paragraph 6 and insert in lieu thereof the following:

“6. A statement that the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.”

811—3.4(17A,169,272C) Briefs. In lieu of “(designate agency)”, insert “board”.

811—3.5(17A,169,272C) Inquiries. In lieu of “(designate official by full title and address)”, insert “the State Veterinarian, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”.

811—3.6(17A,169,272C) Service and filing of petitions and other papers.

3.6(2) In lieu of “(specify office and address)”, insert “the State Veterinarian, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0053”. In lieu of the words “(agency name)”, insert “board”.

3.6(3) In lieu of the words “(uniform rule on contested cases X.12(17A))”, insert “rule 811—10.23(17A,169,272C)”.

811—3.7(17A,169,272C) Consideration. In lieu of “(designate agency)”, insert “board”.

811—3.8(17A,169,272C) Action on petition.

3.8(1) In lieu of “(designate agency head)”, insert “the chairperson of the board”.

3.8(2) In lieu of “(contested case uniform rule X.2(17A))”, insert “rule 811—10.14(17A,169,272C)”.

811—3.9(17A,169,272C) Refusal to issue order.

3.9(1) In lieu of “(designate agency)”, insert “board”.

811—3.12(17A,169,272C) Effect of a declaratory order. In lieu of “(designate agency)”, insert “board”. Delete the words “(who consent to be bound)”.

These rules are intended to implement Iowa Code chapters 17A, 169, and 272C.