



Fields of Opportunities

# STATE OF IOWA

KIM REYNOLDS, GOVERNOR  
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE  
MARK BOWDEN, M.P.A., EXECUTIVE DIRECTOR

**July 21, 2017**

**TO: Administrative Rules Review Committee, Iowa Legislature**

**FR: Mark Bowden, Iowa Board of Medicine**

**RE: 5-year rolling review of administrative rules**

Pursuant to Iowa Code 17A.7(2), the Iowa Board of Medicine presents this summary of its comprehensive and ongoing review of the Board's administrative rules, found under Section 653 of the Iowa Administrative Code. This summary report, which was approved by the Board on July 21, 2017, captures all adopted amendments between January 1, 2012, and June 30, 2017, and identifies potential amendments by topic that may be initiated for adoption by the Board in FY2018 (July 1, 2017, through June 30, 2018).

## **CHAPTER 1 - Administrative and Regulatory Authority**

**FY2013-FY2017**

- No amendments adopted.

**FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## **CHAPTER 2 - Public Records and Fair Information Practices**

**FY2013-FY2017**

- No amendments adopted.

**FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## **CHAPTER 3 - Waivers and Variances**

**FY2013-FY2017**

- No amendments adopted.

**FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## CHAPTERS 4, 5, 6, 7 -- Reserved

### FY2013-FY2017

- No amendments adopted.

### FY2018

- No amendments anticipated.

## CHAPTER 8 - Fees

### FY2013-FY2017

- **ARC 0871C** - The amendments provide an exemption to the permanent licensure renewal fee and the continuing education requirements for physicians on full-time active duty in the U.S. Armed Forces, Reserves or National Guard, and updates in language in Chapters 8, 9, 11. **Effective 8/28/2013.**
- **ARC 1187C** - The amendments eliminate redundant or outdated language and reduce the resident physician licensure fee from \$150 to \$100; reduced the criminal background check fee (all licenses) from \$55 to \$45; reduce the licensure verification fee from \$40 to \$30; eliminate the \$25 duplicate license fee; eliminate the \$50 electronic data fee; and increase the quarterly monitoring fee from \$100 to up to \$300. **Effective 1/1/2014.**

### FY2018

- Identify the service fee for all online purchases.
- Identify the service fees associated with expedited licensure through the Interstate Medical Licensure Compact.
- Identify the licensure reinstatement fee for acupuncturists.
- Remove social security number references in data list searches.
- Clarify that data list contains licensee's work address, if actively practicing.
- General language updates throughout for consistency in definitions, citations, practices and procedures.

## CHAPTER 9 - Permanent Physician Licensure

### FY2013-FY2017

- **ARC 0215C** - The amendments update language and eliminate redundancies throughout the chapter. **Effective 8/29/2012.**
- **ARC 0871C** - The amendments provide an exemption to the permanent licensure renewal fee and the continuing education requirements for physicians on full-time active duty in the U.S. Armed Forces, Reserves or National Guard, and provided for some updates in language in Chapters 8, 9, 11. **Effective 8/28/2013.**
- **ARC 1187C** - The amendments eliminate redundant or outdated language. **Effective 1/1/2014.**
- **ARC 2346C** - The amendment implement 2015 Iowa Acts, Senate File 276, which deems an inactive medical license relinquished if the licensee fails to apply for renewal or reinstatement of the license within five years after its expiration. **Effective 02/10/2016.**
- **ARC2524C**. The amendments implement 2015 Iowa Acts, Senate File 276, which creates a license for the administrative, non-clinical practice medicine. **Effective 6/15/2016.**

### FY2018

- Recognize the Interstate Medical Licensure Compact's expedited licensure process.
- Eliminate the Board's parochial rule on expedited licensure.
- Establish a single rule on licensure by examination or endorsement.
- Reference the new administrative medicine licenses.
- General language updates throughout for consistency in definitions, citations, practices and procedures.

## CHAPTER 10 - Resident, Special and Temporary Licensure

### FY2013-FY2017

- **ARC 0216C** - The amendments update language throughout the chapter and applied the continuing education and training requirements for renewal of a special license. **Effective 8/29/2012.**

- **ARC 1187C** -The amendments to these chapters reduce the resident physician licensure fee from \$150 to \$100; reduce the criminal background check fee (all licenses) from \$55 to \$45; reduce the licensure verification fee from \$40 to \$30; eliminate the \$25 duplicate license fee; eliminate the \$50 electronic data fee; and increase the quarterly monitoring fee from \$100 to up to \$300. Other amendments eliminated redundant or outdated language in Chapters 8, 9, and 10. **Effective 1/1/2014.**

#### **FY2018**

- Re-define the definition of “special” and the requirements for a special licensure to clarify that this license could be a pathway for permanent license.
- General language updates throughout for consistency in definitions, citations, practices and procedures.

### **CHAPTER 11 - Continuing Education and Training Requirements**

#### **FY2013-FY2017**

- **ARC 0217C** - The amendments updated language throughout the chapter and recognized the continuing education gained by physicians from their service on the Board, on the Iowa Physician Health Committee and by completing peer reviews for the Board. **Effective 8/29/2012.**
- **ARC 0871C** - The amendments provided for an exemption to the permanent licensure renewal fee and the continuing education requirements for physicians on full-time active duty in the U.S. Armed Forces, Reserves or National Guard. **Adopted 6/28/2013. Effective 8/28/2013.**

#### **FY2018**

- Recognize that the Federation of State Medical Boards is an accredited continuing medical education provider.
- Expand and/or clarify the definition of licensees required to complete training for chronic pain management and end-of-life care..
- General language updates throughout for consistency in definitions, citations, practices and procedures.

### **CHAPTER 12 - Nonpayment of State Debt**

#### **FY2013-FY2017**

- No amendments adopted.

#### **FY2018**

- No amendments anticipated.

### **CHAPTER 13 - Standards of Practice and Principles of Medical Ethics**

#### **FY2013-FY2017**

- **ARC 1033C** - The amendment rescinds a rule which was made moot by a revision to Iowa Code chapter 155A to authorize vaccine administration by pharmacists. New Iowa Code section 155A.44, promulgated by 2013 Iowa Acts, Senate File 353, became effective July 1, 2013. **Effective 11/6/2013.**
- **ARC 1034C** - The amendment defines the standards of practice for physicians who prescribe or administer abortion-inducing drugs. Adopted 8/30/2013, this rulemaking was stayed pending a judicial review. The Iowa Supreme Court, in an opinion issued June 15, 2015, said standards were unconstitutional.
- **ARC1983C** - The amendment defined the standards of practice for physicians who use telemedicine, which is the practice of medicine using electronic communication, information technology or other means of interaction between a licensee in one location and a patient in another location with or without an intervening health care provider. **Effective 5/3/2015.**
- **ARC 2249C** - This amendment implements 2015 Iowa Acts, Senate File 462, which allows physicians to write prescriptions for authorized facilities, including public schools, to stock an epinephrine auto-injector supply for use by trained non-healthcare personnel for individuals at risk of anaphylaxis. **Effective 3/09/2016.**

- **ARC 2535C** - The amendments update the Board's recommended resources for physicians who treat chronic pain, including the U.S. Centers for Disease Control and Prevention's new recommendations for the prescribing of opioid pain medication for patients 18 years of age and older in primary care settings. Recommendations focus on the use of opioids in treating chronic pain. **Effective 10/19/2016.**
- **FY2018**  
Update standards for pain management.
- Establishing standards on practices identified in 2017 legislation, including diagnosis and treatment of lyme disease, the limitations and prerequisites for an abortion, and reviewing recommendations from the Iowa Department of Public Health's medical cannabidiol advisory board.
- Update on ethical standards.
- Update on licensee's responsibilities for patient records when a practice closes.
- General language updates throughout for consistency in definitions, citations, practices and procedures.

## **CHAPTER 14 - Iowa Physician Health Committee**

### **FY2013-FY2017**

- **ARC 1188C** - The amendments update language throughout the chapter to provide clarity and to more closely align rules with practices of the Committee and the program. The amendments define program participants, the duties of the Committee's officers, and the discretion of the Committee to report a participant to the Board of Medicine for noncompliance with the participant's program contract. **Effective 1/1/2014.**

### **FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## **CHAPTER 15 - Child Support Noncompliance**

### **FY2013-FY2017**

- No amendments adopted.

### **FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## **CHAPTER 16 - Student Loan Default or Noncompliance**

### **FY2013-FY2017**

- No amendments adopted.

### **FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## **CHAPTER 17 - Licensure of Acupuncturists**

### **FY2013-FY2017**

- **ARC2950C** - The amendments update requirements for licensure, renewal and reinstatement; identify diagnostic and treatment modalities performed by acupuncturists; provide definitions of additional terms associated with acupunctural services; revise requirements for the display, distribution and retention of a disclosure sheet which contains information for patients; establish requirements for the delegation of certain aspects of treatment; and establish a requirement that licensees report changes in their full legal names. **Effective 03/22/2017.**

### **FY2018**

- Update process used for licensee discipline.

- General language updates throughout for consistency in definitions, citations, practices and procedures.

## **CHAPTER 18 - Military Service and Veteran Reciprocity**

### **FY2013-FY2017**

- **ARC1632C** - The amendment establishes a new Chapter 18 to implement the licensing provisions of the 2014 Iowa Acts Chapter 1116, Section 34, Home Base Iowa Act. The rules allow the Board to recognize certain verified military education, training or service toward any experience or educational requirement for licensure if the applicant is in active military service or is a military veteran. The amendment also provides that a veteran with an unrestricted license in another jurisdiction may apply for licensure in Iowa through reciprocity. **Effective 1/28/2015.**

### **FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## **CHAPTERS 19, 20 -- Reserved**

### **FY2013-FY2017**

- No amendments adopted

### **FY2018**

- Establish Chapter 20 to implement 2016 Iowa Acts, Senate File 2188, prescriptive authority for certain psychologists.

## **CHAPTER 21 - Physician Supervision of a Physician Assistant**

### **FY2013-FY2017**

- **ARC 0870C** - The amendment recognizes that physicians can supervise up to five physician assistants concurrently, as provided for in a new state law, Iowa Code Chapter 148C.3, subsection 2, which became effective July 1, 2012. **Effective 8/28/2013.**
- **ARC 2532C** - This amendment implements 2015 Iowa Acts, Senate File 505, Division XXXI, Section 113, which requires the Boards of Medicine and Physician Assistants to jointly adopt rules to establish specific minimum standards or a definition of supervision for appropriate supervision of physician assistants by physicians. **Effective 5/15/2016.** This rulemaking was rescinded by 2017 Iowa Acts, House File 591.

### **FY2018**

- Requiring a written supervisory agreement that is intended to emphasize and affirm the importance of the mandated professional relationship required between the supervising physician and the physician assistant.
- General language updates throughout for consistency in definitions, citations, practices and procedures.

## **CHAPTER 22 - Mandatory Reporting**

### **FY2013-FY2017**

- **ARC 0532C** - The amendment requires licensees to report any disciplinary action taken which results in a limitation, restriction, suspension, revocation, relinquishment or nonrenewal of their hospital privileges or any voluntary limitation, restriction, suspension, revocation, relinquishment or nonrenewal of hospital privileges to avoid a hospital investigation or hospital disciplinary action. **Effective 1/30/2013.**

### **FY2018**

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## CHAPTER 23 - Grounds for Discipline

### FY2013-FY2017

- **ARC 0533C** - The amendment includes sanctions for failure to report any disciplinary action taken which results in a limitation, restriction, suspension, revocation, relinquishment or nonrenewal of their hospital privileges or any voluntary limitation, restriction, suspension, revocation, relinquishment or nonrenewal of hospital privileges to avoid a hospital investigation or hospital disciplinary action. **Effective 1/30/2013.**

### FY2018

- Add a grounds for discipline relating to inappropriate supervision of a conditional prescribing psychologist.
- Update grounds for discipline regarding ethical standards and sexual harassment.
- General language updates throughout for consistency in definitions, citations, practices and procedures.

## CHAPTER 24 - Complaints and Investigations

### FY2013-2017

- No amendments adopted.

### FY2018

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## CHAPTER 25 - Contested Case Proceedings

### FY2013-FY2017

- **ARC 9952B** - The amendments require that hearing panels have six Board members and allow testimony of witnesses by affidavit, by written or video deposition, in person, by telephone, or by videoconference. **Effective 2/15/2012**
- **ARC 2706C** - The amendment updates a subrule to be consistent with a 2014 amendment to Iowa Code section 148.7(4) regarding the use of alternate members on Board panels that hear contested case proceedings. Alternate members serve on panels when a quorum of the Board is not available. **Effective 10/19/2016.**

### FY2018

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.

## CHAPTER 26 - Reinstatement after Disciplinary Action

### FY2013-FY2017

- No amendments adopted.

### FY2018

- General language updates throughout for consistency in definitions, citations, practices and procedures.
- No significant changes identified.