



November 2, 2011
FOR IMMEDIATE RELEASE

Public hearing Tuesday, Nov. 8, on changes in Board hearing rules

DES MOINES, IA – The Iowa Board of Medicine will hold a hearing at 4 p.m. Tuesday, November 8, 2011, for the public to comment on two proposed amendments to administrative rules concerning contested case proceedings conducted by the Board.

The hearing will be held in the Board's office at RiverPoint Business Park, Suite C, 400 SW Eighth Street, Des Moines.

One amendment to 653 Iowa Administrative Code Chapter 25 requires that contested case hearing panels have six Board members to complement a similar requirement in state statute. The other amendment allows parties in contested case proceedings before the Board to present the testimony of witnesses by affidavit, by written or video deposition, in person, by telephone or by video conference.

The public may be present written comments on the amendments not later than 4:30 p.m. Tuesday, November 8, 2011.

The Board approved a notice of intended action to amend Chapter 25 on September 23. The amendments were published October 19 in the Iowa Administrative Bulletin (see below).

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For more information, please contact Mark Bowden, Executive Director, Iowa Board of Medicine, (515) 242-3268 or mark.bowden@iowa.gov

MEDICINE BOARD[653]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.5, the Board of Medicine hereby proposes to amend Chapter 25, “Contested Case Proceedings,” Iowa Administrative Code.

The purpose of Chapter 25 is to provide rules for the administration of contested cases before the Board. The proposed amendments require that hearing panels have six members. The proposed amendments also allow parties in contested cases before the Board to present the testimony of witnesses by affidavit, by written or video deposition, in person, by telephone, or by videoconference.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on September 23, 2011.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on November 8, 2011. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by E-mail to mark.bowden@iowa.gov.

There will be a public hearing on November 8, 2011, at 4 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board office is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

After analysis and review of this proposed rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 272C.

The following amendments are proposed.

ITEM 1. Amend subrule 25.18(1) as follows:

25.18(1) ~~A hearing may be~~ Hearings are conducted before a quorum of the board or a panel of not less than three members of the board, at least two of whom are licensed by the board. When a sufficient number of board members is unavailable to hear a contested case, the executive director, or the executive director’s designee, may request alternate members, as defined in rule 653—1.1(17A,147) and Iowa Code ~~section~~ sections 148.2A and 148.7(4), to serve on the hearing panel. A hearing panel containing alternate members must include at least six people, of whom ~~the majority shall be members licensed to practice under Iowa Code chapter 148~~ a majority must be board members, a majority must be members licensed to practice medicine under Iowa Code chapter 148, and no more than three may be public members.

ITEM 2. Amend subrule 25.18(6) as follows:

25.18(6) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument. Parties may present the testimony of witnesses by affidavit, by written or video deposition, in person, by telephone, or by videoconference.