

**PUBLIC COMMENTS FOR: ARC 2203C – Amend IAC 653 –
Chapter 9, Relinquishment of a License**

Bowden, Mark [IBM]

From: Warner, Joy [LEGIS] <Joy.Warner@legis.iowa.gov>
Sent: Wednesday, October 14, 2015 8:44 AM
To: Bowden, Mark [IBM]
Subject: Electronic record of changes, 10/14/15
Attachments: ARC 2203C.pdf

Hello, Mark,

The attached document shows all editorial and content changes made to the rule-making document you submitted upon filing ARC 2203C with the ART system. This document is intended only as a record of changes and as an instructive tool for rule writers; this document is not editable. (If you would prefer a paper copy of marked changes, please do let us know.)

As you prepare the Adopted and Filed rule making to follow up on this Notice, please do not resubmit the original document filed with the ART system. Instead, download the edited rule-making document from our Web site, <https://www.legis.iowa.gov/law/administrativeRules/ruleMaking>, and use that document to build the Adopted and Filed rule making.

To draft new rule-making documents, the Rule-Drafting Template and Instructions are available on our Web site at <https://www.legis.iowa.gov/law/administrativeRules/ruleWriterInfo>. Please do not hesitate to call or e-mail the Administrative Code Office with any questions as you prepare rule-making documents.

Many thanks,
Joy Warner
Administrative Code
Legislative Services Agency
www.legis.iowa.gov

MEDICINE BOARD[653]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby proposes to amend Chapter 9, "Permanent Physician Licensure," Iowa Administrative Code.

The purpose of Chapter 9 is to establish requirements for the licensure of medical physicians and osteopathic physicians. The proposed amendments implement 2015 Iowa Acts, Senate File 276, which was signed into law on April 17, 2015, and became effective July 1, 2015. The amendments define "relinquishment" and declare that a person's permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration.

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The Board approved this Notice of Intended Action during a regularly scheduled meeting on August 28, 2015.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on November 10, 2015. 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.

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There will be a public hearing on November 10, 2015, at 11 a.m. in the Board's office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

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After analysis and review of this rule making, it has been determined that these amendments will have no impact on jobs in Iowa.

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These amendments are intended to implement Iowa Code chapters 147, 148 and 272C.

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The following amendments are proposed,

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ITEM 1. Adopt the following **new** definition in rule 653—9.1(147,148):

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“Relinquishment” means that a person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine is deemed abandoned if the person fails to renew or reinstate the license within five years after its expiration. A license that has been relinquished is no longer valid or renewable. Relinquishment is not disciplinary in nature.

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ITEM 2. Adopt the following **new** rule 653—9.19(147,148):

653—9.19(147,148) Relinquishment of license to practice. A person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration.

9.19(1) A license shall not be reinstated, reissued, or restored once it is relinquished. The person may apply for a new license pursuant to Iowa Code sections 148.3 and 148.11 and 653—Chapters 9 and 10.

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9.19(2) The relinquishment of license may be stayed if, at the date of relinquishment, there is an active:

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a. Evaluation order pursuant to Iowa Code section 272C.9(1) and rule 653—24.4(272);

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b. Combined statement of charges and settlement agreement pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and rule 653—25.3(17A);

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c. Statement of charges pursuant to Iowa Code section 17A.12(2) and rule

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653—25.4(17A);

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√ *d.* Settlement agreement pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)
and rule 653—25.17(272C);

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√ *e.* Final decision pursuant to Iowa Code sections 17A.12 and 272C.6 and rule
653—25.24(17A); or

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√ *f.* Application for reinstatement of the license pursuant to rule 653—9.15(147,148)
or 653—9.16(147,148).

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