

CHAPTER REVIEW AND SUMMARY

Bureau Name	Board of Veterinary Medicine	Total Rule Count	39
Staff Member		Number of Pages	19
Chapter or Rule	811 IAC Chapter 10 (and new chapter 15)	Code Section Authorizing Rule	section 169.5(7)(j)

Provide a summary of what public benefits the Chapter/Rule seeks to accomplish:

The chapter provides the public and regulated community with the grounds for discipline available to the Board of Veterinary Medicine for licensees, the ethical responsibilities of licensees, and the process for conducting a contested case hearing for disciplinary matters.

Are the intended public benefits being achieved?

Yes. It is important for the public and regulated community to understand what grounds the Board has for disciplining licensees, the ethical responsibilities of licensees, as well as the process for contesting discipline by the Board.

Provide a breakdown of the fees included in the Chapter as well as revenue generated over the previous 5 fiscal years; include where the funds are deposited:

There are no "fees" imposed by this chapter. However, the chapter does allow the Board to impose civil penalties as a disciplinary sanction as well as the costs of the contested case proceeding in the event the Board prevails in a challenge to its disciplinary action, including costs for depositions, transcripts, medical evaluations and witness fees.

What costs are incurred by the public to comply with the Chapter or Rule?

There are no costs to the public to comply with the chapter. The only costs would be imposed on licensees, and those costs could vary depending upon the scope and severity of any violations.

What costs are incurred by the bureau or other agencies to implement/enforce the Chapter or Rule?

The costs would be limited to time spent by the Board and staff reviewing and investigating complaints, preparing and pursuing license disciplinary actions, conducting the contested case hearing and defending any appeals. Some of those costs are covered by the fees assessed by the Board as part of its findings in a contested case proceeding.

Do the costs justify the benefits achieved? Explain.

Yes. It is critical that the Board have the ability to pursue disciplinary actions against licensees that violate the Board's rules, and the disciplinary process in the contested case proceeding comport with due process requirements.

Are there alternatives that should be considered to achieve the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

N/A. See prior answer.

Does this Chapter or Rule contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

Yes. The Board reviewed this chapter and identified several words that were unnecessary and redundant of statute. In addition, the Board determined it could significantly reduce the length and volume of chapter 10 through adoption by reference of the uniform standards for contested case proceedings. The adoption by reference of the uniform rules will be located in a new chapter: 811 IAC chapter 15. While this will add one additional chapter to the Board's rules, the adoption by reference will reduce the Board's contested case rule from 25 pages to approximately 4-5.

RULES PROPOSED FOR REPEAL – List rule number(s):

811 Iowa Admin. Code 10.12-10.39

RULES PROPOSED FOR RE-PROMULGATION – List rule number(s) and please email an attachment with suggested changes (specific changes can be worked out later):

811 Iowa Admin. Code 10.1-10.11
New: 811 Iowa Admin. Code 15.1-15.3, 15.5-15.6, 15.9, 15.12, 15.15, 15.17, 15.19, 15.22-15.31

Are there any rules that you would recommend be codified in statute?

No.

METRICS

Total number of rules repealed	-27 (from chpt. 10) +19 (new chpt. 15) Net Reduction=8
Proposed word count reduction after repeal and/or re-promulgation	11657-3531=8126 (from chpt. 10) +2687 (new chpt. 15) Net Reduction (8126-2687)=5439

REGULATORY ANALYSIS

1. Persons affected by the proposed rule

Classes of persons that will bear the costs of the proposed rule:

All licensees bear some cost by complying with the Board rules and ethical responsibilities, but the bulk of the costs will only be born by those who violate the Board's rules.

Classes of persons that will benefit from the proposed rule:

The public and regulated community will benefit from compliance with the Board's rules and the chapter's ethical responsibilities by ensuring licensees practice veterinary medicine in conformance with the standards set by the Board to protect animals and the public.

2. Impact of the proposed rule, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred

Quantitative description of impact:

The only costs would be imposed on licensees, and those costs could vary depending upon the scope and severity of any violations. . Licensees are required to meet certain minimum standards to protect animals and the public, which can include required equipment, training, sanitation, recordkeeping, supervision of staff. In the event of any violations, the Board may impose civil penalties, but the penalties are commensurate with the scope and severity of the violations, as well as the licensee's disciplinary history, if any.

Qualitative description of impact:

See prior answer.

3. Costs to the state

Implementation and enforcement costs borne by the agency or any other agency:

The costs would be limited to time spent by the Board and staff reviewing and investigating complaints, preparing and pursuing license disciplinary actions, conducting the contested case hearing and defending any appeals. Some of those costs are covered by the fees assessed by the Board as part of its findings in a contested case proceeding.

Anticipated effect on state revenues:

There are minimal effects on state revenues as some of the costs to the State are covered by the fees assessed by the Board for contested case proceedings, and the Board is generally funded by the license fees paid by the regulated community.

4. Comparison of the costs and benefits of the proposed rule to the costs and benefits of inaction

Failure to have grounds for discipline, ethical responsibilities, or a specific process that governs contested case proceedings would render Iowa Code chapter 169 impotent and risk violating the due process rights of the regulated community.

5. Determination if less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule

There does not appear to be any less costly method because failure to have either grounds for discipline, ethical responsibilities, or a contested case process could greatly expose the State to liabilities from legal challenges by the public and the regulated community.

6. Alternative methods considered by the agency

Description of any alternative methods that were seriously considered by the agency:

N/A. See prior answer.

Reasons why they were rejected in favor of the proposed rule:

N/A. See prior answer.

Small Business Impact

If the rule will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

- Establish less stringent compliance or reporting requirements in the rule for small business.
- Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
- Consolidate or simplify the rule's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rule for small business.
- Exempt small business from any or all requirements of the rule.

If legal and feasible, how does the rule use a method discussed above to reduce the substantial impact on small business?

Only licensees that violate the Board's rules or ethical responsibilities are subject to Board discipline, and there does not appear to be any significant impact on small businesses having standards for the Board to impose discipline and conduct a contested case proceeding.