

## Red Tape Review Rule Report (Due: September 1, 2024)

<b>Department Name:</b>	Board of Educational Examiners	<b>Date:</b>	07/08/2024	<b>Total Rule Count:</b>	3
<b>IAC #:</b>	282	<b>Chapter/ SubChapter/ Rule(s):</b>	Chapter 8	<b>Iowa Code Section Authorizing Rule:</b>	272D
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

Enforce debts to the state or local governments

**Is the benefit being achieved? Please provide evidence.**

Yes – licensure sanctions can occur when there are debts to state or local government.

**What are the costs incurred by the public to comply with the rule?**

Potential loss of income if a license is sanctioned for failure to pay debts to state or local government.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

Minimal costs to enforce.

**Do the costs justify the benefits achieved? Please explain.**

Costs are minimal – enforces 272D.

**Are there less restrictive alternatives to accomplish 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.

Required by 272D.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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]**

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

Very few changes.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

8.1 to 8.3

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

CHAPTER 8  
DEBTS TO STATE OR LOCAL GOVERNMENT—NONCOMPLIANCE

**282—8.1(272D) Issuance or renewal of a license—denial.** The board will deny the issuance or renewal of a license upon receipt of a certificate of noncompliance from the centralized collection unit of the department of revenue according to the procedures set forth in Iowa Code chapter 272D. In addition to the procedures contained in Iowa Code chapter 272D, the following will apply.

**8.1(1)** The notice required by Iowa Code chapter 272D will be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the applicant or licensee may accept service personally or through authorized counsel.

**8.1(2)** The effective date of the denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code chapter 272D, will be 60 days following service of the notice upon the applicant or licensee.

**8.1(3)** The board's administrator is authorized to prepare and serve the notice required by Iowa Code chapter 272D upon the applicant or licensee.

**8.1(4)** Applicants and licensees will keep the board informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and will provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code chapter 272D, court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

**8.1(5)** All board fees required for application, license renewal, or license reinstatement will be paid by applicants or licensees and all continuing education requirements will be met before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license pursuant to Iowa Code chapter 272D.

**8.1(6)** In the event an applicant or licensee timely files a district court action following service of a board notice pursuant to Iowa Code chapter 272D, the board will continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the board will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**8.1(7)** The board will notify the applicant or licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license and will similarly notify the applicant or licensee when the license is issued or renewed following the board's receipt of the certificate of noncompliance.

**282—8.2(272D) Suspension or revocation of a license.** The board will suspend or revoke a license upon receipt of a certificate of noncompliance from the centralized collection unit according to the procedures set forth in Iowa Code chapter 272D. In addition to the provisions contained in Iowa Code chapter 272D, the following will apply.

**8.2(1)** The notice required by Iowa Code chapter 272D will be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the licensee may accept service personally or through authorized counsel.

**8.2(2)** The effective date of the suspension or revocation of a license, as specified in the notice required by Iowa Code chapter 272D, will be 60 days following service of the notice upon the licensee.

**8.2(3)** The board's administrator is authorized to prepare and serve the notice required by Iowa Code chapter 272D and is directed to notify the licensee that the license will be suspended, unless the license is already

suspended on other grounds. In the event a license is on suspension, the administrator will notify the licensee of the board's intention to continue the suspension.

**8.2(4)** Licensees will keep the board informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and will provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code chapter 272D, court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

**8.2(5)** All board fees required for license renewal or license reinstatement will be paid by licensees and all continuing education requirements will be met before a license will be renewed or reinstated after the board has suspended or revoked a license pursuant to Iowa Code chapter 272D.

**8.2(6)** In the event a licensee timely files a district court action following service of a board notice pursuant to Iowa Code chapter 272D, the board will continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the suspension or revocation of a license, the board will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**8.2(7)** The board will notify the licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license and will similarly notify the licensee when the license is reinstated following the board's receipt of the certificate of noncompliance.

**282—8.3(17A,22,272D) Sharing of information.** Notwithstanding any statutory confidentiality provision, the board may share information with the centralized collection unit for the sole purpose of identifying applicants or licensees subject to enforcement under Iowa Code chapter 272D.

These rules are intended to implement Iowa Code chapter 272D.

***\*For rules being re-promulgated with changes, you may attach a document with suggested changes.***

#### METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	30
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	25

#### ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None