

PHARMACY BOARD [657]

Notice of Intended Action

The Board of Pharmacy hereby proposes to rescind Chapter 31, “Student Loan Default or Noncompliance with Agreement for Payment of Obligation,” and amend Chapter 36, “Discipline,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 272C.4, as amended by 2019 Iowa Acts, Senate File 304.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272C.4, as amended by 2019 Iowa Acts, Senate File 304.

Purpose and Summary

During the 2019 Legislative Session, changes were made to the Iowa Code which will result in the repeal of Iowa Code sections 261.121 through 261.127, Code 2019, on July 1, 2019 and prohibit the suspension or revocation of a license issued by a board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on _____, 2019. Comments should be directed to:

Sue Mears, RPh
Compliance Officer
Iowa Board of Pharmacy
400 SW 8th St, Suite E
Des Moines, IA 50309

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1) “b,” an oral presentation regarding this rule making may be demanded by 25 interested

persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Rescind and reserve **657—Chapter 31**.

ITEM 2. Rescind subrule **36.6(25)**.

ITEM 3. Renumber subrules **36.6(26)** to **36.6(44)** as **36.6(25)** to **36.6(43)**.

ITEM 4. Adopt the following new rule **657—36.11(88GA,SF304)**:

657—36.11(88GA,SF304) Prohibited grounds for discipline. The board shall not suspend or revoke the license of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.