

CHAPTER REVIEW AND SUMMARY

Bureau Name	Board of Veterinary Medicine	Total Rule Count	13
Staff Member		Number of Pages	5
Chapter or Rule	811 IAC Chapter 5	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 with information about how the Board of Veterinary Medicine handles both public and confidential records, as well as requests for such records.

Are the intended public benefits being achieved?

Yes. It is important for the public and licensees to understand how to request public records from the Board, as well as understand which documents are public versus confidential.

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:

This chapter imposes fees on public records requests for postage and copying, as well as a supervisory fee to review and/or supervise public records, but that fee is not triggered until the review goes beyond 30 minutes. The fee is a flat rate of \$25/hour for supervision and copying/postage fees of \$5 and \$0.25/page, respectively. In the last five years, the Board is only aware of one public records request that exceed 30 minutes. The total fees charged in responding to that request were: \$117.25. The funds were deposited into the Iowa Department of Agriculture and Land Stewardship's General Account.

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

The only costs to the public would be whatever it costs to review and copy the public records, which vary depending upon the size and scope of the public records request, and only then if the time period exceeds 30 minutes to review the request and responsive records. However, Board staff try to give an estimate of any such costs prior to conducting the actual records review to give the requestor an opportunity to expand/narrow the search depending upon costs.

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 responding to public records requests and reviewing any records in response to a request, but some of those costs are covered by the fees assessed by the Board in responding to some public records requests.

Do the costs justify the benefits achieved? Explain.

Yes, the ability for the public to request, review and obtain public records from the Board is statutorily required, and the costs are only imposed on those who request public records that require a search and/or review that goes beyond 30 minutes.

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 the citation to the website for the uniform rules for petitions for rulemaking needed to be updated. In addition, this chapter contained some language that was redundant of statute.

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

811 Iowa Admin. Code 5.13(2)(f)(1)-(3).

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 5.1, 5.3, 5.6, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17 and 5.18

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

No.

METRICS

Total number of rules repealed	3 subrules
Proposed word count reduction after repeal and/or re-promulgation	2497-2296=201

REGULATORY ANALYSIS

1. Persons affected by the proposed rule

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

Only citizens or groups that request public records would bear any costs under this rule, and those costs would only be imposed if the search or review exceeds 30 minutes.

Classes of persons that will benefit from the proposed rule:

The public and regulated community will benefit from the proposed rule as it explains the process and requirements for making a public records request with the Board.

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 costs are the fees imposed to review and copy public records, but only if the search or review exceeds 30 minutes. The fees vary depending upon the size and scope of the public records request. However, Board staff try to give an estimate of any such costs prior to conducting the actual records review to give the requestor an opportunity to expand/narrow the search depending upon costs.

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 in responding to and supervising or reviewing public records responsive to the request, but the Board charges copying and supervisory fees to cover some of the costs of responding to a public records request, mitigating the actual costs to the State. However, for requests that do not exceed 30 minutes to search and/or review, the costs to the State are not covered by any fees as they are not assessed.

Anticipated effect on state revenues:

There are likely minimal effects on state revenues as some of the costs to the State are covered by the fees assessed for public records requests that exceed 30 minutes to search and/or review, and the requests that do not exceed 30 minutes have a minimal impact on Board staff or resources.

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

Failure to have a specific process for making a public records request, including what, if any, costs are associated with a response and what records are public versus confidential, could lead to increased costs

or burdens to the Board and State as more staff time will be required to answer questions from the public and regulated community about the process or costs, which may also increase the costs or time required by the public or licensees to properly prepare a public records request.

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 the process and costs for making a public records request needs to be included in chapter 811 to properly inform the public and regulated community about the process and costs. In order to promote efficiency and reduce costs, the Board adopted the uniform rules by reference for public records and fair information practices.

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 citizens or groups that make a public records request would bear any costs under this rule, and there does not appear to be any additional impacts on small businesses to prepare a public records request.