

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to military service, veteran reciprocity, and spouses of active duty service members

The Department of Health and Human Services (Department) hereby rescinds Chapter 196, “Military Service, Veteran Reciprocity, and Spouses of Active Duty Service Members,” and adopts a new Chapter 196 “Emergency Medical Services—Military Service, Veteran Reciprocity, and Spouses of Active Duty Service Members,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code Chapter 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 147D.1.

Purpose and Summary

This rule chapter sets forth Department procedure to expedite the application for a professional license for those persons married to an active-duty member of the military forces of the United States or for those persons who are a veteran, and to provide reciprocity in licensure for such persons who are currently licensed in another state. The chapter also provides for the application of military education, training, and service as credit toward any experience or educational requirement of licensure.

This chapter applies only to the Department’s emergency medical services licensure program; this is the only licensing program covered by the requirements of Iowa Code 272C to remain under the auspices of the Department upon implementation of the government reorganization. Procedures detailed additionally support the EMS Personnel Licensure Interstate Compact described in Iowa Code 147D.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7337C**. Two public hearings were held on February 14, 2024, at 11:30 a.m. and February 26, 2024, at 12 p.m. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Health and Human Services Council on June 13, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Health and Human Services for a waiver of the discretionary provisions, if any, pursuant to 441—6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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).

Effective Date

This rulemaking will become effective on August 14, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 196 and adopt the following **new** chapter in lieu thereof:

CHAPTER 196
EMERGENCY MEDICAL SERVICES—MILITARY SERVICE, VETERAN RECIPROcity,
AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS

641—196.1(272C) Definitions.

“*License*” means the same as defined in Iowa Code section 272D.1.

“*Licensing authority*” means the same as defined in Iowa Code section 272D.1.

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c)(2021); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101(2006).

“*Military service applicant*” means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

“*Spouse*” means a spouse of an active duty member of the military forces of the United States.

“*Veteran*” means the same as defined in Iowa Code section 35.1.

641—196.2(272C,147D) Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure by submitting a military service application form to the licensing authority. No fee is required with submission of an application for military service credit.

196.2(1) The licensing authority shall grant credit requested in the application pursuant to the emergency medical services (EMS) personnel licensure interstate compact described in Iowa Code section 147D.1.

196.2(2) The licensing authority shall inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.

196.2(3) A military service applicant who is aggrieved by the licensing authority’s decision may appeal pursuant to the provisions of 441—Chapter 7, except that no fees or costs shall be assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

196.2(4) The licensing authority shall grant or deny the credit requested in the military service application prior to ruling on the application for licensure. The applicant shall not be required to submit any fees in connection with the licensure application unless the licensing authority grants the credit requested in the military service application. If the licensing authority does not grant the credit requested in the military service application, the applicant may withdraw the licensure application or request that the licensure application be placed in pending status for up to one year or as mutually agreed. The withdrawal of a licensure application shall not preclude subsequent applications supported by additional documentation or information.

641—196.3(272C,147D) Veteran and active duty military spouse privilege to practice. A veteran or spouse with an unrestricted license in another EMS personnel licensure jurisdiction may practice in Iowa pursuant to the EMS personnel licensure interstate compact described in Iowa Code section 147D.1.

These rules are intended to implement Iowa Code sections 272C.4 and 147D.1.