



Iowa Board of Nursing

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MEMORANDUM OF RULEMAKING

From: Iowa Board of Nursing

Date: July 14, 2021

Re: Rescinding Rule 655 – 3.11 (152) “Emergency Licenses”

Background: On March 22, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency in response to the COVID-19 crisis. Section Three of that Proclamation temporarily waived the regulatory provisions of Iowa Code sections 147.2 and 152.7 to the extent they prohibit the practice of nursing for an individual who has not yet obtained an initial license, if the licensing board determines the individual has completed sufficient education and should be granted an emergency license to practice in accordance with any guidance issued by the board. In accordance with that authority and pursuant to Iowa Code 29C.19, the Board adopted new rule 3.11, which enabled the issuance of emergency licenses to graduates of nursing education programs who were unable to promptly sit for the NCLEX or national certifying examinations due to testing centers being closed. On May 27, 2021, Governor Reynolds issued a new Proclamation of disaster emergency, which did not include the authority for boards to issue emergency licenses, and thus the authority for the Board to issue its emergency licenses expired on that date. Accordingly, the Board now rescinds rule 655—3.11, as the Proclamation authority to issue emergency licenses is no longer present.

Legal Authority: Iowa Code section 29C.19 provides, “Any order issued or rule promulgated by a state agency during a declared disaster emergency and pursuant to the provisions of this chapter shall be exempt from being issued or promulgated as provided in chapter 17A.” The Board rescinds rule 655—3.11 in accordance with section 29C.19 in light of the rule’s direct relationship to the public health disaster emergency.

Action: On July 14, 2021, the Board voted to rescind rule 655—3.11(152) “Emergency License.”

Effective Date: The rescission of rule 655—3.11(152) “Emergency License” is effective immediately.