

Purpose and Summary

This proposed rulemaking implements 2022 Iowa Acts, House File 803, which allowed physician assistants, in addition to physicians, to provide certain documentation for claimants requesting unemployment insurance benefits.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Claimants that will need to obtain documentation from physicians or physician assistants will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Claimants that are able to obtain documentation from physician assistants instead of just physicians will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
The burden reduction should allow claimants to receive documentation in a more efficient and cost-effective manner.
 - Qualitative description of impact:
The burden on claimants will be decreased because it will allow the claimants to rely on the services of physician assistants and not just physicians, potentially saving the claimants time and money.

3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
There are no anticipated additional costs for the State since the process for reviewing documentation from physicians is already in place.
 - Anticipated effect on state revenues:
There is no anticipated effect on state revenues because the processes currently exist.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:
Failure to update the rules will not only result in IWD's failure to comply with Iowa law but will potentially require claimants to spend more time and money to obtain the required documentation.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:
There are no less costly or intrusive methods. This change is less intrusive than the current rule.

6. Alternative methods considered by the agency:
 - Description of any alternative methods that were seriously considered by the agency:
There was no alternative seriously considered because other options, such as reliance on self-certification of medical conditions preventing an individual from working, would not be cost-effective due to the increased number of IWD staff that would be required to investigate and verify the claims.
 - Reasons why alternative methods were rejected in favor of the proposed rulemaking:
If IWD were to rely on claimant self-certification, as opposed to certification obtained from a medical professional, costs for investigations into these certifications would increase and claimants could be faced with overpayments after receiving benefits if the medical reason was inaccurate or failed to satisfy IWD rules.

Small Business Impact

If the rulemaking 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 rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small

business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact to small businesses. Allowing claimants to self-certify may result in an increase of claims, with or without merit, that could result in small businesses paying a higher amount and rate of unemployment tax.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 24.23(6) as follows:

24.23(6) If an individual has a medical report on file submitted by a physician or a physician assistant, stating such individual is not presently able to work.

ITEM 2. Amend subrule 24.25(35) as follows:

24.25(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- a. Obtain the advice of a licensed and practicing physician or physician assistant;
- b. Obtain certification of release for work from a licensed and practicing physician or physician assistant;
- c. Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician or physician assistant; or
- d. No change.

ITEM 3. Amend paragraph **24.26(6)“a”** as follows:

a. *Nonemployment related separation.* The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician or physician assistant. Upon recovery, when recovery was certified by a licensed and practicing physician or physician assistant, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

ITEM 4. Amend subrule 24.26(9) as follows:

24.26(9) The claimant left employment upon the advice of a licensed and practicing physician or physician assistant for the sole purpose of taking a family member to a place having a different climate and subsequently returned to the claimant’s regular employer and offered to perform services, but the claimant’s regular or comparable work was not available. However, during the time the claimant was at a different climate the claimant shall be deemed to be unavailable for work notwithstanding that during the absence the claimant secured temporary employment. (Family is defined as: wife, husband, children, parents, grandparents, grandchildren, foster children, brothers, brothers-in-law, sisters, sisters-in-law, aunts, uncles or corresponding relatives of the classified employee’s spouse or other relatives of the classified employee or spouse residing in the classified employee’s immediate household.)