

FILED JAN 25 1988

SENATE FILE  
BY PRIEBE

2081

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to administrative rules by providing authority  
2 for the commission on substance abuse to adopt rules under the  
3 substance abuse laws and by authorizing the state  
4 transportation commission to approve rules before adoption by  
5 the state department of transportation.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2081

1 Section 1. Section 125.7, subsection 5, Code 1987, is  
2 amended to read as follows:

3 ~~5. Promulgate rules for subsections 1 and 7 and review~~  
4 ~~other~~ Adopt rules necessary to carry out the provisions of  
5 this chapter, ~~subject to review in accordance with chapter~~  
6 ~~17A.~~

7 Sec. 2. 125.20, Code 1987, is amended to read as follows:  
8 125.20 RULES.

9 The department commission shall establish rules pursuant to  
10 chapter 17A requiring facilities to use reasonable accounting  
11 and reimbursement systems which recognize relevant cost-  
12 related factors for substance abuse patients. A facility  
13 shall not be licensed nor shall any payment be made under this  
14 chapter to a facility which fails to comply with those rules  
15 or which does not permit inspection by the department or  
16 examination of all records, including financial records,  
17 methods of administration, general and special dietary  
18 programs, the disbursement of drugs and methods of supply, and  
19 any other records the department commission deems relevant to  
20 the establishment of such a system. However, rules issued  
21 pursuant to this paragraph section shall not apply to any  
22 facility referred to in section 125.13, subsection 2 or  
23 section 125.43.

24 Sec. 3. Section 125.25, subsection 2, Code 1987, is  
25 amended to read as follows:

26 2. The department commission shall adopt rules governing  
27 the approval of line item budgets for the operation of  
28 facilities. The rules shall include provisions for the  
29 approval of a facility's budget by the department.

30 Sec. 4. Section 125.32, unnumbered paragraph 1, Code 1987,  
31 is amended to read as follows:

32 The department commission shall adopt ~~and may amend and~~  
33 ~~repeat~~ rules for acceptance of persons into the treatment  
34 program, subject to chapter 17A, considering available  
35 treatment resources and facilities, for the purpose of early

1 and effective treatment of substance abusers, intoxicated  
2 persons, and concerned family members. In establishing the  
3 rules the department commission shall be guided by the  
4 following standards:

5 Sec. 5. Section 125.33, subsection 2, Code 1987, is  
6 amended to read as follows:

7 2. Subject to rules adopted by the department commission,  
8 the administrator or the administrator's designee in charge of  
9 a facility may determine who shall be admitted for treatment  
10 or rehabilitation. If a person is refused admission, the  
11 administrator or the administrator's designee, subject to  
12 rules adopted by the department commission, shall refer the  
13 person to another facility for treatment if possible and  
14 appropriate.

15 Sec. 6. Section 135.11, subsection 13, Code Supplement  
16 1987, is amended to read as follows:

17 13. ~~Establish, publish,~~ Adopt and enforce rules not  
18 inconsistent with law for the enforcement of the provisions of  
19 this title ~~and chapter 125~~ and for the enforcement of the  
20 various laws, the administration and supervision of which are  
21 imposed upon the department.

22 Sec. 7. Section 307.10, Code 1987, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 8. Adopt rules pursuant to chapter 17A as  
25 it deems necessary to transact its business and exercise its  
26 powers and duties.

27 Sec. 8. Section 307.12, subsection 9, Code 1987, is  
28 amended to read as follows:

29 9. Adopt rules in accordance with chapter 17A as the  
30 director deems necessary for the ~~administration-of-the~~  
31 ~~department-and-the~~ exercise of the director's ~~and-department's~~  
32 powers and duties, subject to the approval of the commission.

33 Sec. 9. Section 315.10, Code 1987, is amended to read as  
34 follows:

35 315.10 RULES.

1 The department shall, subject to the approval of the state  
2 transportation commission, adopt rules pursuant to chapter 17A  
3 as necessary for the administration of this chapter.

4 Sec. 10. Section 321.428, unnumbered paragraph 1, Code  
5 1987, is amended to read as follows:

6 The director may approve or disapprove lighting devices and  
7 ~~issue~~ adopt and enforce rules establishing standards and  
8 specifications for the approval of the lighting devices, their  
9 installation, adjustment, and aiming, and adjustment when in  
10 use on motor vehicles. The rules shall be approved by the  
11 state transportation commission and shall correlate with and,  
12 so far as practicable, conform to the then current standards  
13 and specifications of the society of automotive engineers  
14 applicable to such equipment.

15 Sec. 11. Section 328.12, subsection 2, Code 1987, is  
16 amended to read as follows:

17 2. RULES. Make reasonable rules, consistent with this  
18 chapter, as deemed by the director to be necessary and  
19 expedient for the administration and enforcement of this  
20 chapter, and amend the rules at any time. Rules proposed by  
21 the director shall be subject to the approval of this  
22 commission.

23 Sec. 12. Any rule adopted by the Iowa department of public  
24 health under chapter 125 and in effect on the effective date  
25 of this Act shall continue in full force and effect until  
26 amended, repealed, or supplemented by affirmative action of  
27 the commission on substance abuse.

28 EXPLANATION

29 Under governmental reorganization, the responsibility for  
30 adopting rules was shifted from the commission on substance  
31 abuse to the Iowa department of public health under chapter  
32 125. The bill transfers the rulemaking authority back to the  
33 commission on substance abuse. The rulemaking authority of  
34 the state transportation commission was also transferred to  
35 the state department of transportation. The bill provides

1 that rules developed by the state department of transportation  
2 are subject to the approval of the state transportation  
3 commission.

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