

JANUARY 2004 AGENDA

Dec 22nd, 2003

The Administrative Rules Review Committee will hold a special meeting on Tuesday, January 6, 2004, at 8:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

BULLETINS NEEDED FOR THIS MEETING: No. 12, 13 (12/10/03, 12/24/03)

Also refer to: 7/9/03, 8/20/03, 9/3/03, 9/17/03, 10/1/03, 10/15/03

Bulletin Page

8:30 MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Resident, special and temporary physician licensure, 10.1, 10.3(1)"a,"

10.4(2)"d," 10.5(2)"b"(3), Filed ARC 3044B..... 12/24/03 1145

Standards of practice and principles of medical ethics, ch 13 title,

13.7, 13.10, 13.20, 13.21; rescind ch 18, Filed ARC 3045B..... 12/24/03 1146

Licensure of acupuncturists, 17.4(1)"b," 17.5(3)"g," 17.7, 17.8(1)"d," Notice ARC 3043B..... 12/24/03 1107

Physician supervision of a physician assistant,

ch 21 title, 21.1 to 21.5, 21.7, Filed ARC 3042B..... 12/24/03 1147

8:50 ADMINISTRATIVE SERVICES DEPARTMENT[11]

Offset of debts owed state agencies, adopt ch 40, Notice ARC 3066B,

also Filed Emergency ARC 3063B..... 12/24/03 1126

Pay; recruitment, application and examination; eligible lists; filling vacancies; appointments;

probationary period; promotion, transfer, temporary assignment, reassignment and voluntary demotion;

political activity; conduct of employees; drug use and drug tests, renumber 581—chs 4 to 10, 16, 18 as

11—chs 53 to 59, 65, 66 and rule 581—19.16 as 11—54.7; amend 53.5(3) to 53.5(6),

53.6(10) to 53.6(12), 53.7(2)"a," 53.7(5)"d," 53.8(1), 53.9(5), 53.13, 54.1(1), 54.2(4)"a," 54.2(6),

54.2(7), 54.4(2)"c," 54.7(4), 55.1(1), 55.1(2), 55.2, 56.3(1), 56.4, 56.7, 57.2, 57.5, 58.2 to 58.6,

59.2, 65.3, 66.2(1), 66.2(2)"c," 66.5(2), Notice ARC 3036B..... 12/24/03 1097

Employee organization dues, renumber 581—ch 23 as 11—ch 70, Notice ARC 3065B..... 12/24/03 1100

9:20 DENTAL EXAMINERS BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Public health supervision by dentists, 10.5, 10.6, Filed ARC 3041B..... 12/24/03 1142

9:40 ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Grow Iowa values fund assistance—Iowa jobs training program, accelerated career education (ACE) program,

7.9(2)"j," 7.28 to 7.35, ch 20 div V, 20.19, Filed Emergency After Notice ARC 3029B..... 12/24/03 1129

Workforce training and economic development funds, adopt ch 9,

Filed Emergency After Notice ARC 3028B..... 12/24/03 1131

Iowa community development block grant program, 23.2, 23.4(4), 23.7(1),

Notice ARC 3033B, also Filed Emergency ARC 3031B..... 12/24/03 1134

Endow Iowa grants program, adopt ch 46, Filed ARC 3026B..... 12/24/03 1142

Endow Iowa tax credits, adopt ch 47, Filed ARC 3027B..... 12/24/03 1144

Community economic betterment program—wage thresholds, 53.6(1),

Notice ARC 3032B, also Filed Emergency ARC 3030B..... 12/24/03 1135

Enterprise zones, 59.8, 59.8(1)"a" to "c," 59.8(1)"d"(5), 59.8(2),

59.8(2)"a" and "b," Notice ARC 3035B..... 12/24/03 1101

Loan and credit guarantee program, adopt ch 69, Notice ARC 3034B..... 12/24/03 1102

10:00 EDUCATION DEPARTMENT[281]

Professional development, ch 12 div VII title, 12.7,

Notice ARC 2499B, Amended Notice ARC 2542B, Terminated ARC 3025B..... 12/10/03 1001

Course for drinking drivers—administrative fees, 21.33, Filed ARC 2994B..... 12/10/03 1051

Funding for children residing in state institutions or mental health institutes, adopt ch 34, Filed ARC 2995B..... 12/10/03 1051

Career academies, ch 47, Filed ARC 2996B..... 12/10/03 1051

Iowa public charter schools, adopt ch 68, Filed ARC 2998B..... 12/10/03 1053

Teacher quality program—professional development for school districts,

83.6(2) to 83.6(4), Notice ARC 2999B..... 12/10/03 1001

Regional academies—funding, 97.1, 97.4(1)"c," 97.4(4) to 97.4(6), Filed ARC 2997B..... 12/10/03 1053

10:20 to 10:25 break

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10:25 ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

- Controlling air pollution—small unit exemption, 22.1(2)"w," Filed ARC 3006B 12/10/03 1054
- Commercial and industrial solid waste incineration (CISWI) units—emissions,
23.1(5)"c," Notice ARC 3005B 12/10/03 1026
- Open burning, 23.2(2), 23.2(3)"a," "g" and "i," Filed ARC 3007B 12/10/03 1054
- Reauthorization of NPDES general permit no. 4,
64.15(4), 69.1(2), 69.2, 69.9(1)"c," 69.10(6), 69.11(1)"c," Filed ARC 3008B 12/10/03 1056

10:40 NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Bait dealer licenses—definitions of "retail" and "wholesale,"

- 15.1(1), Filed ARC 3013B 12/10/03 1058
- State parks and recreation areas, 61.4(1)"c," 61.4(1)"g"(2), 61.4(1)"h"(5) and (6) to (10),
61.6(1) to 61.6(4), 61.9(6) to 61.9(22), Filed ARC 3015B 12/10/03 1059
- Bobcat removed from list of threatened species, 77.2(2), Filed ARC 3014B 12/10/03 1059
- Fishing regulations, 81.1, 81.2(1), 81.2(3), 81.2(12)"b," Filed ARC 3011B 12/10/03 1059
- Shovelnose sturgeon removed from and silver carp added to list
of permissive catch on the Missouri River, 82.2(1), Filed ARC 3010B 12/10/03 1060
- Taking and possession of mussels for sport, 87.2, Filed ARC 3012B 12/10/03 1060
- Nonresident deer hunting—minimum arrow length, licenses,
94.7(1), 94.8, 94.8(1), 94.8(2), 94.10(7), Notice ARC 3009B 12/10/03 1030
- Wild turkey spring hunting, 98.2(1)"b," 98.3, 98.5, 98.13(1), 98.14, 98.16,
Filed ARC 3016B 12/10/03 1061

11:00 REVENUE DEPARTMENT[701]

- Interest rate for calendar year 2004, 10.2(23), Notice ARC 2991B 12/10/03 1039
- Individual income tax; corporate tax, 38.8, 39.6(2)"f," 40.1, 40.18(1)"a"(1), 40.28, 41.3,
42.10, 43.1(1), 46.3(2)"a," 46.4(5), 50.3, 52.1(3), 52.12, 53.2(1)"a"(1), 53.19,
54.6(3), 54.6(3)"b"(2), 59.1, 89.8(7)"t"4," 89.8(8)"c," Notice ARC 3061B 12/24/03 1114
- Individual income tax, 38.10, 38.10(1) to 38.10(17), 40.17, 40.38(7),
41.5(7), 42.2(8), 42.4(3)"b" and "c," 42.22, 43.3(1), 43.3(15), Notice ARC 3062B 12/24/03 1118
- Investment tax credit for equity investment in qualifying business
or community-based seed capital fund; contingent tax credit
for investments in Iowa fund of funds, 42.18(1), 42.18(3),
52.21(3), 58.11(3), Filed ARC 3058B 12/24/03 1151
- Endow Iowa tax credits, 42.20, 52.23, 58.13, Filed ARC 3057B 12/24/03 1151
- Determination of value of utility companies, 77.1(1), 77.1(13), 77.4(4)"g" to "j,"
77.4(6), 77.5(1), 77.6, Filed ARC 3059B 12/24/03 1152
- Violations of the sale of cigarettes or tobacco products—penalties 81.12(1), Filed ARC 3060B 12/24/03 1153

11:15 CREDIT UNION DIVISION[189]

COMMERCE DEPARTMENT[181]"umbrella"

Conversion of an Iowa-chartered credit union to another charter type,

- adopt ch 3, Filed Emergency ARC 2985B 12/10/03 1040

11:30 HUMAN SERVICES DEPARTMENT[441]

- Nursing facilities—quality assurance assessment, quality assurance payment,
ch 36 title and preamble, ch 36 div II, 36.6 to 36.8, 81.6(21),
Notice ARC 3022B, also Filed Emergency ARC 3021B 12/10/03 1043
- Diversion initiatives, ch 47 title and preamble, ch 47 div I title and preamble,
47.1 to 47.4, 47.5(1), 47.5(1)"a" and "c" to "i," 47.5(2), 47.5(3), 47.6,
47.7(1), 47.7(1)"d," 47.7(2) to 47.7(4), 47.8, 47.9, 47.10(2), 47.10(3)"a," 47.11, 47.21,
ch 47 divs III and IV, Filed Emergency After Notice ARC 3017B 12/10/03 1045
- Annual adjustments to the state supplementary assistance and Medicaid programs,
51.4(1), 51.7, 52.1(1), 52.1(2), 52.1(3)"a"(2), 75.5(3)"d," 75.16(2)"d"(3),
Notice ARC 3024B, also Filed Emergency ARC 3023B 12/10/03 1046
- State supplementary assistance reimbursement rates for in-home health-related care
and care in residential care facilities, 52.1(3), 177.4(3), 177.4(7),
177.4(8)"b," Filed ARC 3019B 12/10/03 1057
- Food assistance program, ch 65 title and preamble, 65.1 to 65.4, 65.4(1), 65.4(4), 65.4(4)"a," 65.5,
65.8(9), 65.9, 65.11, 65.13(1) to 65.13(3), 65.16, 65.19, 65.19(2)"b," 65.19(8), 65.19(12),
65.19(16), 65.19(18)"a" and "b," 65.19(19), 65.21(4), 65.21(5), 65.22(1)"b" and "g,"

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HUMAN SERVICES DEPARTMENT[441] continued

65.22(3), 65.23(1), 65.24, 65.25, 65.27(1), 65.28(1), 65.28(7), 65.28(8), 65.28(8)"a" and "b," 65.28(9)"j," 65.28(11)"b," 65.28(12)"a," 65.28(13), 65.28(16), 65.29(2), 65.29(10), 65.30(3), 65.30(4), 65.31, 65.37, 65.37(4), 65.39, 65.46, 65.46(2), 65.46(3), 65.46(5), 65.50, 65.52. <u>Filed Emergency After Notice</u> ARC 3018B.....	12/10/03	1047
Medicaid coverage limitations for drugs—prior authorization, preferred drug list, 78.1(2)"a"(3), 78.1(2)"f," 78.28(1), <u>Filed Emergency</u> ARC 3020B.....	12/10/03	1048

12:00 COMMITTEE BUSINESS

Welcome to new members: Sen. Mary Lundby and Rep. Geri Huser (Esq.)
Select ARRC vice chair
Approve minutes, Set date for Feb. meeting, Misc. business

12:10p.m. to 1:15p.m. lunch

1:15 SPECIAL REVIEW: WAIVERS AND CHARTER AGENCIES

A general discussion of charter agency ability to waive rules & process to be followed

1:30 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Exception from reporting requirement—voluntary reports, 4.11, <u>Notice</u> ARC 3048B.....	12/24/03	1104
Candidate debate—media organization; debate structure and funding; contribution reporting inapplicable, 4.51, <u>Notice</u> ARC 3046B.....	12/24/03	1105
Use of public resources for a political purpose, adopt ch 5, <u>Notice</u> ARC 3047B.....	12/24/03	1105

1:50 LAW ENFORCEMENT ACADEMY[501]

SPECIAL REVIEW by Rep. Eichhorn

Reserve officer personal standards, ch 10 title, div I 10.1 to 10.10, div II, 10.100 to 10.106, <u>Notice</u> ARC 2978B.....	11/26/03	947
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2:10 PUBLIC SAFETY DEPARTMENT[661]

Fire safety—adult day services programs, 5.5(2)"c" to "f," 5.500, 5.510, <u>Notice</u> ARC 2983B.....	12/10/03	1036
Fire safety—assisted living facilities, 5.626, <u>Notice</u> ARC 2984B.....	12/10/03	1037
Fire fighting equipment revolving loan fund, ch 55 title, ch 55 div I, 55.1 to 55.3, 55.101 to 55.103, ch 55 div II, 55.201 to 55.207, <u>Filed Emergency</u> ARC 3050B.....	12/24/03	1139
Fire fighting equipment revolving loan fund, ch 55 title, ch 55 div I, 55.1 to 55.3, 55.101 to 55.103, ch 55 div II, 55.201 to 55.207, <u>Notice</u> ARC 3051B.....	12/24/03	1108

2:30 INSPECTIONS AND APPEALS DEPARTMENT[481]

Long-term care facilities—involuntary discharge or transfer of a resident,

57.2(3), 57.36(1)"f" and "h," 58.2(3), 58.40(1)"f" and "h," 62.4(3), 62.14(4)"b"(3) and (5), 63.2(3), 63.34(1)"f" and "h," 64.2(3), 64.36(1)"f" and "h," 65.4(3), 65.16(6)"a" and "d," <u>Notice</u> ARC 2987B.....	12/10/03	1028
Bingo—exceptions to licensing requirements, 103.3(4), <u>Filed</u> ARC 2986B.....	12/10/03	1058

2:45 ELDER AFFAIRS DEPARTMENT[321]

Adult day services programs; elder family homes; representative payee program and

bill payer program, chs 22 to 24, <u>Notice</u> ARC 3002B.....	12/10/03	1003
Assisted living programs; non-facility-based respite care, ch 25, <u>Notice</u> ARC 3001B.....	12/10/03	1012
Elder group homes; monitoring, civil penalties, complaints and investigation for adult day services and assisted living programs; fees, chs 26, 27, 29, <u>Notice</u> ARC 3000B.....	12/10/03	1023

No rep. requested to appear

XX:00 ACCOUNTANCY EXAMINERS BOARD[193A]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Certification of CPAs; fees, 3.1 to 3.15, 12.1, <u>Notice</u> ARC 3049B.....	12/24/03	1093
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XX:00 ATTORNEY GENERAL[61]

Quarterly escrow installments from particular nonparticipating manufacturers,

adopt ch 5, <u>Notice</u> ARC 2993B.....	12/10/03	1000
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XX:00 COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Osteopathic physician recruitment program, ch 14 preamble,

14.1, 14.4(3), 14.4(4), Notice ARC 2988B..... 12/10/03

1000

XX:00 INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Audited financial reports, 5.24(3), 5.25(2), 5.25(4)"f," 5.25(5),

5.25(6), Filed Emergency After Notice ARC 3052B..... 12/24/03

1137

Actuarial opinion and memorandum, 5.34, Filed Emergency After Notice ARC 3054B..... 12/24/03

1138

INSURANCE DIVISION[191] continued

Iowa FAIR plan, ch 20 div II, 20.41 to 20.60, Filed ARC 2992B..... 12/10/03

1058

2001 CSO mortality table, 42.6, 44.6, 47.7, adopt ch 91, Filed Emergency After Notice ARC 3053B..... 12/24/03

1138

XX:00 MANAGEMENT DEPARTMENT[541]

Local government innovation fund committee, adopt ch 15, Filed ARC 3040B..... 12/24/03

1145

XX:00 NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Nursing education curriculum, 2.11(3), Filed ARC 3055B..... 12/24/03

1148

Registration fee for advanced registered nurse practitioners, 3.1, Filed ARC 3056B..... 12/24/03

1148

XX:00 PERSONNEL DEPARTMENT[581]

IPERS, 21.10(12), 21.10(16), 21.10(19), 21.11(9), 21.16(6), 21.22(1)"d," 21.24(2)"f,"

21.24(3), 21.24(5)"f," 21.24(6)"d," 21.24(18), 21.30, Filed ARC 3003B..... 12/10/03

1061

XX:00 PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Physical and occupational therapy examiners, ch 199, 199.4(2), 199.4(3), 199.6(3), 199.6(4),

ch 200, 200.1, 200.3(1)"c" and "d," 200.4(4), 200.4(5), 200.5(1)"a," 200.7(2), 200.7(2)"a,"

200.7(6), 200.9, 200.12 to 200.14, chs 201, 202, 204.1(6) to 204.1(10), Filed ARC 3039B..... 12/24/03

1149

Physical and occupational therapy examiners, 205.4(2), 205.4(3), 205.6(3), 205.6(4),

206.1, 206.8(2) to 206.8(5), 206.12, 206.15 to 206.17, chs 208 to 210,

210.1(5) to 210.1(9), Filed ARC 3038B..... 12/24/03

1150

Speech pathology and audiology examiners, 300.2 to 300.16, 305.1(5) to 305.1(11), Notice ARC 2990B..... 12/10/03

1031

XX:00 PUBLIC HEALTH DEPARTMENT[641]

Notification and surveillance of reportable communicable and infectious diseases,

poisonings and conditions, 1.1, 1.4, 1.9, Notice ARC 2979B..... 12/10/03

1032

Early hearing detection and intervention, adopt ch 3, Filed Emergency After Notice ARC 2981B..... 12/10/03

1049

Shipment of low-level radioactive waste—fee, 38.8(11)"a"(3),

38.8(11)"c," Filed ARC 2980B..... 12/10/03

1062

XX:00 TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Purchasing, 5.1 to 5.4, 5.12, 5.13, 5.15, 5.17 to 5.19, Filed ARC 2982B..... 12/10/03

1062

XX:00 UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Customer service, 6.2(1), 6.2(2), 6.3(3), 6.5(2), 19.4(1)"d," 19.4(10), 19.4(11),

19.4(15) to 19.4(17), 19.4(19)"a," 20.4(1)"d," 20.4(11), 20.4(12), 20.4(14)"g,"

20.4(15) to 20.4(17), Filed ARC 2989B..... 12/10/03

1063

Notice of generation siting waiver requests, 24.15, Notice ARC 3064B..... 12/24/03

1123

XX:00 VOTER REGISTRATION COMMISSION[821]

Voter registration applications; lists of registered voters, 2.1, 2.8, 3.10, Notice ARC 3037B..... 12/24/03

1124