



**November 2017 ARRC agenda
Administrative Rules Review Committee
Tuesday, November 14, 2017
9 a.m.
Room 116, State Capitol, Des Moines, Iowa**

MEMBERS

Mark Chelgren, Vice Chair
Mark Costello
Wally E. Horn
Pam Jochum
Jack Whitver

Dawn E. Pettengill, Chair
Megan Jones
Amy Nielsen
Rick Olson
Guy Vander Linden

Review of 3420C by DPH deferred to Dec. ARRC meeting

BULLETINS NEEDED FOR THIS MEETING: 10/11/17, 10/25/17

NOTICE

Times listed for review are approximate. If you will be attending a particular review, please arrive 30 minutes before the scheduled time

		Bulletin	Page
9:00	Committee Business		
	• Approve minutes • Tuesday, December 12th meeting: 9am? • New ARRC legal staffer: Amber Shanahan-Fricke • Petitions for rulemaking • Miscellaneous		
9:05	Fiscal Overview - Christin Mechler 515.281.6561		

AGENDA, ADMINISTRATIVE RULES REVIEW COMMITTEE

	Bulletin	Page
9:10 HUMAN SERVICES DEPARTMENT[441]		
Nancy Freudenberg, 515.281.8438		
Courtesy review, ARRC approval not required: Medicaid tiered rates, chs 78, 79, 83		
Family planning services, 75.1, 75.70, 76.2, 76.14(2)		
<u>Notice</u> <u>ARC 3356C</u> , also		
<u>Filed Emergency</u> <u>ARC 3354C</u>	10/11/17	857
Medicaid providers—alternative means for providing documentation of services, 79.3		
(2)“d”		
<u>Notice</u> <u>ARC 3357C</u> , also		
<u>Filed Emergency</u> <u>ARC 3358C</u>	10/11/17	859
HCBS waivers—home-delivered meals, 78.34(11), 78.37(8), 78.38(6)		
<u>Notice</u> <u>ARC 3374C</u>	10/11/17	792
Iowa health and wellness plan, 74.1		
<u>Notice</u> <u>ARC 3375C</u>	10/11/17	789
Family planning program, amend ch 7; adopt ch 87		
<u>Filed</u> <u>ARC 3389C</u>	10/11/17	890
Hospice services election statement—Medicare election of hospice benefits, 78.36		
(4)“b”(1)		
<u>Notice</u> <u>ARC 3419C</u>	10/25/17	944
Elimination of three-month retroactive Medicaid coverage benefit, 74.5, 75.1(35), 75.11		
(2), 75.19(1), 75.25, 76.4, 76.13, 76.14(2)		
<u>Notice</u> <u>ARC 3355C</u> , also		
<u>Filed Emergency</u> <u>ARC 3353C</u>	10/11/17	855
9:50 WORKERS’ COMPENSATION DIVISION[876]		
WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”		
Heather Palmer, 515.725.3826		
Evaluation of permanent impairments; vocational training and education; suitable work;		
commutations, amendments to chs 1 to 6, 8, 12		
<u>Notice</u> <u>ARC 3414C</u>	10/25/17	1029
10:00 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]		
Margaret Thomson, 515.725.1036		
Vegetable seed labeling, 40.3		
<u>Notice</u> <u>ARC 3359C</u>	10/11/17	774
Organic certification, amendments to ch 47		
<u>Notice</u> <u>ARC 3403C</u>	10/25/17	940
10:05 UTILITIES DIVISION[199]		
COMMERCE DEPARTMENT[181]“umbrella”		
David Lynch, 515.725.7333		
Generating certificate dockets; request for power of eminent domain, 24.2 to 24.4, 24.5		
(2), 24.6(2), 24.8, 24.10(4), 24.11(1), 24.12(2), 24.15		
<u>Notice</u> <u>ARC 3416C</u>	10/25/17	1026
Documents filed with the utilities board; forms, 2.1, 2.2, 2.4		
<u>Notice</u> <u>ARC 3417C</u>	10/25/17	1019
Declaratory orders, amendments to ch 4		
<u>Notice</u> <u>ARC 3418C</u>	10/25/17	1021

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10:15	ECONOMIC DEVELOPMENT AUTHORITY[261]		
	Jennifer Klein, 515.725.3124		
	Workforce housing tax incentives program, amendments to ch 48		
	<u>Notice</u> <u>ARC 3377C</u>	10/11/17	775
	Iowa targeted small business certification program, ch 52		
	<u>Notice</u> <u>ARC 3378C</u>	10/11/17	777
	Career and technical skill assessment services and testing, amendments to chs 5, 7 to 9, 20, 58		
	<u>Filed</u> <u>ARC 3383C</u>	10/11/17	867
	Community catalyst building remediation program, ch 45		
	<u>Filed</u> <u>ARC 3384C</u>	10/11/17	869
	Enterprise zone agreements; new investments, 59.15(3), 68.4		
	<u>Filed</u> <u>ARC 3385C</u>	10/11/17	873
	STEM internship program—maximum employer award amount, 110.4(1)		
	<u>Filed</u> <u>ARC 3386C</u>	10/11/17	875
10:30	IOWA FINANCE AUTHORITY[265]		
	Mark Thompson, 725.4937		
	Home and community-based services rent subsidy program, 24.1 to 24.9		
	<u>Filed</u> <u>ARC 3423C</u>	10/25/17	1043
	Military service home ownership assistance program, 27.2 to 27.5		
	<u>Filed</u> <u>ARC 3424C</u>	10/25/17	1049
	HOME investment partnerships program, 39.2 to 39.9		
	<u>Filed</u> <u>ARC 3425C</u>	10/25/17	1053
	Shelter assistance fund, 41.1, 41.2, 41.4, 41.6, 41.10		
	<u>Filed</u> <u>ARC 3426C</u>	10/25/17	1062
	Emergency solutions grant program, 42.1, 42.2, 42.4 to 42.8, 42.10 to 42.12		
	<u>Filed</u> <u>ARC 3427C</u>	10/25/17	1065
10:40	EDUCATION DEPARTMENT[281]		
	Nicole Proesch, 515.281.8661; Phil Wise, 515.281.4835		
	General transfer rule—exception to ensure homeless student access to extracurricular activities, 36.15(3)		
	<u>Notice</u> <u>ARC 3364C</u>	10/11/17	787
	High school equivalency diploma, ch 32		
	<u>Notice</u> <u>ARC 3365C</u>	10/11/17	783
	School health services; special education, amendments to chs 14, 41		
	<u>Filed</u> <u>ARC 3387C</u>	10/11/17	875
10:50	COLLEGE STUDENT AID COMMISSION[283]		
	EDUCATION DEPARTMENT[281]"umbrella"		
	Julie Leeper, 515.725.3420		
	All Iowa opportunity scholarship program; all Iowa opportunity foster care grant program, amend ch 8; rescind ch 9		
	<u>Filed</u> <u>Emergency After Notice</u> <u>ARC 3381C</u>	10/11/17	849
	Iowa tuition grant program—for-profit institutions, ch 11		
	<u>Filed</u> <u>Emergency After Notice</u> <u>ARC 3382C</u>	10/11/17	851

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11:00	INSPECTIONS AND APPEALS DEPARTMENT[481]		
	David Werning, 515.281.7376		
	Contested cases; rules of procedure and practice before the administrative hearings division, adopt ch 9; amend chs 10, 30, 50, 57, 58, 62 to 65, 67, 90, 100, 105, 106		
	<u>Notice</u> <u>ARC 3407C</u>	10/25/17	944
	Iowa code of administrative judicial conduct, 10.1, 10.29, ch 15		
	<u>Notice</u> <u>ARC 3408C</u>	10/25/17	950
	Factors determining imposition of citation and fine, 56.7, 56.10		
	<u>Filed</u> <u>ARC 3390C</u>	10/11/17	900
11:15	ENVIRONMENTAL PROTECTION COMMISSION[567]		
	NATURAL RESOURCES DEPARTMENT[561]"umbrella"		
	Christina Iiams, 515.725.8240		
	Electronic submittal of manure management plan updates and associated fees, 65.16(3)"b"		
	<u>Filed</u> <u>ARC 3388C</u>	10/11/17	889
11:20	PUBLIC HEALTH DEPARTMENT[641]		
	Susan Dixon, 515.725.2183		
	Statewide obstetrical and newborn indigent care program, rescind ch 75		
	<u>Notice</u> <u>ARC 3350C</u>	10/11/17	838
	Office of minority and multicultural health, rescind ch 82		
	<u>Notice</u> <u>ARC 3351C</u>	10/11/17	839
	Iowa health information network, rescind ch 206		
	<u>Notice</u> <u>ARC 3352C</u>	10/11/17	840
	Medical cannabidiol Act registration card program, 154.1 to 154.14		
	<u>Notice of Termination</u> <u>ARC 3379C</u>	10/11/17	839
	Prospective private sector employee drug testing—addition of "hair" to definition of "sample"; update of references to forensic drug testing, amendments to ch 12		
	<u>Filed</u> <u>ARC 3392C</u>	10/11/17	907
	Notification requirements for mammogram reports, 41.6(4)		
	<u>Filed</u> <u>ARC 3393C</u>	10/11/17	909
	Vital records—reporting of terminations of pregnancy, amendments to ch 100		
	<u>Filed</u> <u>ARC 3394C</u>	10/11/17	910
	Biological agent risk assessment, rescind ch 112		
	<u>Filed</u> <u>ARC 3395C</u>	10/11/17	914
	Automated external defibrillator program, amendments to ch 143		
	<u>Filed</u> <u>ARC 3396C</u>	10/11/17	914
	Governmental public health advisory council—update of definition for "local board of health," 186.2		
	<u>Filed</u> <u>ARC 3397C</u>	10/11/17	917
	Organized delivery systems, rescind ch 201		
	<u>Filed</u> <u>ARC 3398C</u>	10/11/17	918

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11:50	PROFESSIONAL LICENSURE DIVISION[645] PUBLIC HEALTH DEPARTMENT[641]"umbrella" Judy Manning, 515.281.4413; Venus Vendoures-Walsh, 515.242.6529 Licensure of athletic trainers, amendments to ch 351		
	<u>Notice</u> <u>ARC 3363C</u>	10/11/17	836
	Cosmetology arts and sciences—licensure of practitioners and establishments, continuing education, amendments to chs 60, 61, 64		
	<u>Notice</u> <u>ARC 3372C</u>	10/11/17	828
	Licensure procedures for hearing aid specialists, amendments to chs 121 to 124		
	<u>Notice</u> <u>ARC 3409C</u>	10/25/17	963
	Speech pathologists and audiologists—licensure, continuing education, discipline, amendments to chs 300, 303, 304		
	<u>Notice</u> <u>ARC 3410C</u>	10/25/17	965
	Optometrists—application for licensure, contact lens and spectacle lens prescriptions, 180.2(1), 182.3		
	<u>Filed</u> <u>ARC 3428C</u>	10/25/17	1071
12:05	BREAK		
12:20	MEDICINE BOARD[653] PUBLIC HEALTH DEPARTMENT[641]"umbrella" Mark Bowden, 515.242.3268 Standards of practice—experimental treatments for patients with a terminal illness, 13.13		
	<u>Notice</u> <u>ARC 3360C</u>	10/11/17	814
	Standards of practice—tick-borne disease diagnosis and treatment, 13.14		
	<u>Notice</u> <u>ARC 3361C</u>	10/11/17	816
	Permanent and administrative medicine physician licensure, amendments to ch 9		
	<u>Notice</u> <u>ARC 3368C</u>	10/11/17	803
12:35	PHARMACY BOARD[657] PUBLIC HEALTH DEPARTMENT[641]"umbrella" Therese Witkowski, 515.281.6676 Pharmacist licensure by examination—provision of ITIN and proof of presence, 2.2(1)		
	<u>Notice</u> <u>ARC 3369C</u>	10/11/17	819
	Registration of services programs that provide controlled substances; update of cross references, 5.17, 11.3, 11.26(2), 11.27, 11.33		
	<u>Notice</u> <u>ARC 3370C</u>	10/11/17	820
	End of prescriber/patient relationship—dispensing of remaining prescription refills, 8.20		
	<u>Notice</u> <u>ARC 3371C</u>	10/11/17	821
	Agency procedure for rule making, ch 28		
	<u>Notice</u> <u>ARC 3373C</u>	10/11/17	822
12:50	PUBLIC SAFETY DEPARTMENT[661] Barb Edmondson, 515.725.6188 2012 life safety code—adoption by reference, 205.1, 205.5, 205.10, 205.15, 205.20, 205.25		
	<u>Notice</u> <u>ARC 3411C</u>	10/25/17	1006

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12:55 REVENUE DEPARTMENT[701]		
Tim Reilly, 515.725.2294		
Electronic filing of W-2 and 1099 forms—extension of deadline, 46.3(3)		
<u>Filed</u> <u>ARC 3429C</u>	10/25/17	1072
Property assessment appeal board, amendments to ch 126		
<u>Filed</u> <u>ARC 3430C</u>	10/25/17	1073
Optional designations of funds by taxpayer, 43.4		
<u>Notice</u> <u>ARC 3413C</u>	10/25/17	1013
1:05 TRANSPORTATION DEPARTMENT[761]		
Tracy George, 515.239.1358		
Emergency filing, ARRC authorization required: Planting and harvesting periods, commercial motor vehicle regulations, 520.8		
Holiday rest stops and rest areas; rest area sponsorship program, amend chs 105, 106;		
rescind ch 123		
<u>Notice</u> <u>ARC 3366C</u>	10/11/17	840
Improvements and maintenance on primary road extensions, 150.1 to 150.5		
<u>Notice</u> <u>ARC 3367C</u>	10/11/17	843
Highway project planning, rescind ch 110		
<u>Filed</u> <u>ARC 3399C</u>	10/11/17	918
General requirements and covenants for highway and bridge construction, rescind ch 125		
<u>Filed</u> <u>ARC 3400C</u>	10/11/17	919
1:20 WORKFORCE DEVELOPMENT DEPARTMENT[871]		
David Steen, 515.725.5492; Emily Chafa, 515.725.1201		
Employer records, reports, contribution and charges; claims; benefits, amendments to chs		
22 to 24		
<u>Filed</u> <u>ARC 3401C</u>	10/11/17	920
Employer contribution and charges; cash value of room and board, amendments to chs 23,		
25		
<u>Filed</u> <u>ARC 3402C</u>	10/11/17	923
Subpoenas for witnesses and documents, 26.13		
<u>Notice</u> <u>ARC 3421C</u>	10/25/17	1038
Employer contribution and charges; claims and benefits, 23.69, 23.70, 23.72(1), 24.1,		
24.39, 24.40		
<u>Amended Notice</u> <u>ARC 3380C</u>	10/11/17	848
Employer contribution and charges; claims and benefits, 23.69, 23.70, 23.72(1), 24.1,		
24.39, 24.40		
<u>Amended Notice</u> <u>ARC 3432C</u>	10/25/17	1038
1:30 LABOR SERVICES DIVISION[875]		
WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"		
Kathleen Uehling, 515.725.5615		
OSHA civil penalty structure, amendments to ch 3		
<u>Notice</u> <u>ARC 3415C</u>	10/25/17	960

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1:35	AGING, DEPARTMENT ON[17] Brian Majeski, 515.725.2065 Training requirement for options counselors, 23.7 <u>Notice</u> <u>ARC 3376C</u>	10/11/17	774
NO REPRESENTATIVE REQUESTED TO APPEAR			
XX:00	ACCOUNTANCY EXAMINING BOARD[193A] PROFESSIONAL LICENSING AND REGULATION BUREAU[193] COMMERCE DEPARTMENT[181]"umbrella" Attest services; CPA firm licensure; definition of "state"; review of rules, amendments to chs 1, 6 to 8, 10, 13, 14, 20, 21 <u>Filed</u> <u>ARC 3422C</u>	10/25/17	1040
XX:00	INSURANCE DIVISION[191] COMMERCE DEPARTMENT[181]"umbrella" Term and universal life insurance reserve financing, ch 112 <u>Notice</u> <u>ARC 3362C</u>	10/11/17	796
	Regulation of securities offerings and those who engage in the securities business, 50.66, 50.91, 50.92 <u>Filed</u> <u>ARC 3391C</u>	10/11/17	902
	Health insurance sales—protections for seniors moving between a Medicare supplement policy and a Medicare Part C policy, 15.5 <u>Notice of Termination</u> <u>ARC 3404C</u>	10/25/17	960
	Iowa stopgap measure, 82.7 to 82.14 <u>Notice</u> <u>ARC 3348C</u> , also <u>Filed Emergency</u> <u>ARC 3349C</u>	10/11/17	861
XX:00	PUBLIC HEALTH DEPARTMENT[641] Medical cannabidiol program, amendments to ch 154 – review deferred to Dec. ARRC meeting <u>Notice</u> <u>ARC 3420C</u>	10/25/17	971