



**July 2018 ARRC Agenda  
Administrative Rules Review Committee  
Tuesday, July 10, 2018  
9 a.m.  
Room 116, State Capitol, Des Moines, Iowa**

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**MEMBERS**

Mark Chelgren, Chair  
Jim Carlin  
Mark Costello  
Wally E. Horn  
Pam Jochum

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

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**BULLETINS NEEDED FOR THIS MEETING: 6/6/18, 6/20/18, 7/4/18**

**NOTICE**

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

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|                                                                                                                                                                                                                                  | Bulletin | Page |
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| <b>9:05</b> <b>Fiscal Overview</b> - Christin Mechler 515.281.6561                                                                                                                                                               |          |      |
| <b>9:10</b> <b>HUMAN SERVICES DEPARTMENT[441]</b><br>Nancy Freudenberg, 515.281.8438<br>Provision of mental health services—documentation, 24.4<br><u>Filed</u> <u>ARC 3855C</u> .....                                           | 6/20/18  | 3180 |
| Statewide average private-pay cost of nursing facility services and average charges and maximum rate for institutional care, 75.23(3), 75.24(3)“b”(1), (2) and (4)<br><u>Filed Emergency After Notice</u> <u>ARC 3869C</u> ..... | 7/4/18   | 24   |
| Statewide average charge for care in mental health institute, 75.24(3)“b”(3)<br><u>Filed Emergency After Notice</u> <u>ARC 3870C</u> .....                                                                                       | 7/4/18   | 26   |
| Appeals—filing on behalf of Medicaid member, withdrawal, continuation of assistance, 7.2(5), 7.5(2), 7.6(2), 7.8, 7.9<br><u>Filed</u> <u>ARC 3871C</u> .....                                                                     | 7/4/18   | 34   |
| Quality assurance assessment levels for nursing facilities, 36.6(2)<br><u>Filed</u> <u>ARC 3872C</u> .....                                                                                                                       | 7/4/18   | 38   |
| Medicaid for employed people with disabilities—premiums, 75.1(39)“b”(3)<br><u>Filed</u> <u>ARC 3873C</u> .....                                                                                                                   | 7/4/18   | 39   |
| Settings for home- and community-based services (HCBS) provision to Medicaid members, amendments to chs 77, 78, 83<br><u>Filed</u> <u>ARC 3874C</u> .....                                                                        | 7/4/18   | 41   |

# AGENDA, ADMINISTRATIVE RULES REVIEW COMMITTEE

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| <b>9:55 SOIL CONSERVATION AND WATER QUALITY DIVISION[27]</b><br>AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella"<br>Margaret Thomson, 515.725.1036<br>Water protection practice standards—update of reference to forestry technical guide,<br>12.83<br><u>Notice</u> <u>ARC 3819C</u> ..... 6/6/18 |          | 3042 |
| Closure of agricultural drainage wells; watershed improvement review board, amend ch<br>30; rescind chs 101 to 107<br><u>Filed</u> <u>ARC 3839C</u> ..... 6/6/18                                                                                                                                            |          | 3117 |
| Water quality initiative—eligible practices, cost-share limitation, amendments to ch 16<br><u>Notice</u> <u>ARC 3847C</u> ..... 6/20/18                                                                                                                                                                     |          | 3153 |
| <b>10:00 VETERINARY MEDICINE BOARD[811]</b><br>Margaret Thomson, 515.725.1036<br>Veterinary technician state examination—fee, 8.3(1)<br><u>Notice</u> <u>ARC 3821C</u> ..... 6/6/18                                                                                                                         |          | 3047 |
| <b>10:05 ALCOHOLIC BEVERAGES DIVISION[185]</b><br>COMMERCE DEPARTMENT[181]"umbrella"<br>Stephanie Strauss, 515.281.7432<br>Licenses; permits; forms, amend chs 4, 5; rescind ch 12<br><u>Notice</u> <u>ARC 3817C</u> ..... 6/6/18                                                                           |          | 2995 |
| <b>10:15 ECONOMIC DEVELOPMENT AUTHORITY[261]</b><br>Jennifer Klein, 515.348.6144<br>Iowa energy center, ch 403<br><u>Notice</u> <u>ARC 3842C</u> ..... 6/20/18                                                                                                                                              |          | 3142 |
| <b>10:25 EDUCATION DEPARTMENT[281]</b><br>Nicole Proesch, 515.281.8661<br>Accreditation standards—statewide summative assessment, policy prohibiting the aiding<br>and abetting of sexual abuse, 12.3(14), 12.8(1)“h”<br><u>Notice</u> <u>ARC 3822C</u> ..... 6/6/18                                        |          | 3002 |
| Iowa learning online—provision of distance education to students receiving private<br>instruction, 15.10, 15.12 to 15.15<br><u>Notice</u> <u>ARC 3823C</u> ..... 6/6/18                                                                                                                                     |          | 3004 |
| Community colleges—career and technical general education credits, transfer major<br>programs, developmental education, 21.2 to 21.4<br><u>Notice</u> <u>ARC 3824C</u> ..... 6/6/18                                                                                                                         |          | 3007 |
| <b>10:40 EDUCATIONAL EXAMINERS BOARD[282]</b><br>EDUCATION DEPARTMENT[281]"umbrella"<br>Darcy Hathaway, 515.242.6506<br>Expiration date of licenses, 13.6, 13.30, 18.4, 23.2, 27.2<br><u>Notice</u> <u>ARC 3827C</u> ..... 6/6/18                                                                           |          | 2999 |
| Coursework for out-of-state applicants; license renewal for applicant with specialist’s or<br>doctor’s degree, 13.5, 18.6, 20.6, 20.9, 27.5<br><u>Filed</u> <u>ARC 3829C</u> ..... 6/6/18                                                                                                                   |          | 3050 |

# **AGENDA, ADMINISTRATIVE RULES REVIEW COMMITTEE**

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| <b>10:45 COLLEGE STUDENT AID COMMISSION[283]</b>                                 |          |        |
| EDUCATION DEPARTMENT[281]"umbrella"                                              |          |        |
| Todd Brown, 515.725.3405                                                         |          |        |
| Meetings of and voting by the commission, 1.2(3)                                 |          |        |
| <u>Notice</u> <u>ARC 3843C</u> , also                                            |          |        |
| <u>Filed Emergency</u> <u>ARC 3844C</u> . . . . .                                | 6/20/18  | 316866 |
| Membership of commission; barber and cosmetology arts and sciences tuition grant |          |        |
| program, amend 1.2(2); rescind ch 17                                             |          |        |
| <u>Filed</u> <u>ARC 3854C</u> . . . . .                                          | 6/20/18  | 3178   |
| <b>10:50 INSPECTIONS AND APPEALS DEPARTMENT[481]</b>                             |          |        |
| David Werning, 515.281.7376                                                      |          |        |
| Tuberculosis (TB) screening, ch 59                                               |          |        |
| <u>Notice</u> <u>ARC 3818C</u> . . . . .                                         | 6/6/18   | 3020   |
| Economic assistance fraud bureau, rescind ch 74                                  |          |        |
| <u>Filed</u> <u>ARC 3875C</u> . . . . .                                          | 7/4/18   | 53     |
| <b>11:00 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]</b>                       |          |        |
| Gregg Schochenmaier, 515.281.0054                                                |          |        |
| Bona fide retirement for newly elected officials, 11.5(1)                        |          |        |
| <u>Notice</u> <u>ARC 3885C</u> . . . . .                                         | 7/4/18   | 10     |
| <b>11:05 PUBLIC EMPLOYMENT RELATIONS BOARD[621]</b>                              |          |        |
| Amber DeSmet, 515.281.4045                                                       |          |        |
| Initialization of a retention and recertification election, 5.6(1)               |          |        |
| <u>Notice</u> <u>ARC 3825C</u> . . . . .                                         | 6/6/18   | 3029   |
| <b>11:10 PUBLIC HEALTH DEPARTMENT[641]</b>                                       |          |        |
| Susan Dixon, 515.725.2183                                                        |          |        |
| Maternal and child health program, amendments to ch 76                           |          |        |
| <u>Notice</u> <u>ARC 3814C</u> . . . . .                                         | 6/6/18   | 3031   |
| Center for rural health and primary care, amendments to ch 110                   |          |        |
| <u>Notice</u> <u>ARC 3815C</u> . . . . .                                         | 6/6/18   | 3034   |
| Iowa law enforcement emergency care provider, rescind ch 139                     |          |        |
| <u>Notice</u> <u>ARC 3816C</u> . . . . .                                         | 6/6/18   | 3041   |
| Childhood lead poisoning prevention program, 72.1 to 72.3                        |          |        |
| <u>Filed</u> <u>ARC 3833C</u> . . . . .                                          | 6/6/18   | 3066   |
| Trauma registry—updates for clarification, 136.1, 136.2                          |          |        |
| <u>Filed</u> <u>ARC 3834C</u> . . . . .                                          | 6/6/18   | 3070   |
| Regionalized system of perinatal health care, amendments to ch 150               |          |        |
| <u>Filed</u> <u>ARC 3835C</u> . . . . .                                          | 6/6/18   | 3072   |
| Medical cannabidiol program, amendments to ch 154                                |          |        |
| <u>Filed</u> <u>ARC 3836C</u> . . . . .                                          | 6/6/18   | 3090   |
| <b>11:40 Lunch</b>                                                               |          |        |

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| <b>12:35 ARCHITECTURAL EXAMINING BOARD[193B]</b><br><small>PROFESSIONAL LICENSING AND REGULATION BUREAU[193]<br/>           COMMERCE DEPARTMENT[181]"umbrella"</small><br>Lori SchraderBachar, 515.725.9030<br>Need for professional architectural services—exceptions, 5.1, 5.3, 5.4<br><u>Filed</u> <u>ARC 3853C</u> ..... | 6/20/18  | 3171 |
| <b>12:40 INTERIOR DESIGN EXAMINING BOARD[193G]</b><br><small>PROFESSIONAL LICENSING AND REGULATION BUREAU[193]<br/>           COMMERCE DEPARTMENT[181]"umbrella"</small><br>Lori SchraderBachar, 515.725.9030<br>Registration; continuing education, 2.2(1), 2.3, 2.4, 3.1, 3.2(3)<br><u>Notice</u> <u>ARC 3841C</u> .....   | 6/20/18  | 3148 |
| <b>12:45 DENTAL BOARD[650]</b><br><small>PUBLIC HEALTH DEPARTMENT[641]"umbrella"</small><br>Jill Stuecker, 515.281.6935<br>Unauthorized practice by dental hygienist; public health supervision; name and address<br>changes; use of silver diamine fluoride, 10.4 to 10.6, 16.2(2)<br><u>Notice</u> <u>ARC 3849C</u> .....  | 6/20/18  | 3138 |
| <b>12:55 MEDICINE BOARD[653]</b><br><small>PUBLIC HEALTH DEPARTMENT[641]"umbrella"</small><br>Mark Bowden, 515.242.3268<br>Standards of practice—medical cannabidiol, 13.15<br><u>Filed</u> <u>ARC 3830C</u> .....                                                                                                           | 6/6/18   | 3053 |
| <b>1:00 PHARMACY BOARD[657]</b><br><small>PUBLIC HEALTH DEPARTMENT[641]"umbrella"</small><br>Andrew Funk, 515.281.5944<br>Repackaging of VA medications, 22.6<br><u>Notice of Termination</u> <u>ARC 3845C</u> .....                                                                                                         | 6/20/18  | 3152 |
| Correctional pharmacy practice, 15.4, 15.5(3), 15.7, 15.8(1)<br><u>Notice</u> <u>ARC 3848C</u> .....                                                                                                                                                                                                                         | 6/20/18  | 3150 |
| Imitation controlled substances, 1.2, 3.29, 3.30(1), 4.10, 4.11(1), 5.24, 5.26(1), 10.44,<br>17.18, 19.11, 41.6<br><u>Filed</u> <u>ARC 3857C</u> .....                                                                                                                                                                       | 6/20/18  | 3185 |
| Practice standards, amend chs 4, 8, 13, 18, 19; adopt ch 39<br><u>Filed</u> <u>ARC 3858C</u> .....                                                                                                                                                                                                                           | 6/20/18  | 3188 |
| Care facility pharmacy practice, amendments to chs 10, 23<br><u>Filed</u> <u>ARC 3859C</u> .....                                                                                                                                                                                                                             | 6/20/18  | 3212 |
| Temporary designation of controlled substances—synthetic opioids, opioid analgesic;<br>precursor substances, 10.39, 10.42<br><u>Filed</u> <u>ARC 3860C</u> .....                                                                                                                                                             | 6/20/18  | 3219 |
| Registration—medical director-based service program, 11.3(1)<br><u>Filed</u> <u>ARC 3861C</u> .....                                                                                                                                                                                                                          | 6/20/18  | 3221 |
| Telepharmacy practice—functions of pharmacy support person, 13.8(7)<br><u>Filed</u> <u>ARC 3862C</u> .....                                                                                                                                                                                                                   | 6/20/18  | 3222 |
| Centralized prescription filling and processing, 18.3, 18.5(2), 18.10, 18.15<br><u>Filed</u> <u>ARC 3863C</u> .....                                                                                                                                                                                                          | 6/20/18  | 3223 |

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| <b>1:30</b> | <b>REGENTS BOARD[681]</b>                                                                                                                                                                                                                                                                                         |          |      |
|             | Andrea Anania, 515.281.6531                                                                                                                                                                                                                                                                                       |          |      |
|             | Regent admission index, change in calculation, 1.1(2)                                                                                                                                                                                                                                                             |          |      |
|             | <u>Notice</u> <u>ARC 3867C</u> .....                                                                                                                                                                                                                                                                              | 7/4/18   | 12   |
|             | Traffic and parking at universities, amendments to ch 4                                                                                                                                                                                                                                                           |          |      |
|             | <u>Filed</u> <u>ARC 3877C</u> .....                                                                                                                                                                                                                                                                               | 7/4/18   | 58   |
| <b>1:40</b> | <b>LABOR SERVICES DIVISION[875]</b>                                                                                                                                                                                                                                                                               |          |      |
|             | WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"                                                                                                                                                                                                                                                                   |          |      |
|             | Kathleen Uehling, 515.725.5615                                                                                                                                                                                                                                                                                    |          |      |
|             | Conveyances, amendments to chs 66 to 73                                                                                                                                                                                                                                                                           |          |      |
|             | <u>Filed</u> <u>ARC 3856C</u> .....                                                                                                                                                                                                                                                                               | 6/20/18  | 3181 |
| <b>1:45</b> | <b>ENVIRONMENTAL PROTECTION COMMISSION[567]</b>                                                                                                                                                                                                                                                                   |          |      |
|             | NATURAL RESOURCES DEPARTMENT[561]"umbrella"                                                                                                                                                                                                                                                                       |          |      |
|             | Christina Iiams, 515.725.8240                                                                                                                                                                                                                                                                                     |          |      |
|             | Solid waste management and disposal—regional collection centers and satellite facilities,<br>household hazardous materials, financial assistance for management of household<br>hazardous materials and waste from very small quantity generators, amend chs 119,<br>211; rescind chs 123, 144, 214; adopt ch 123 |          |      |
|             | <u>Notice</u> <u>ARC 3826C</u> .....                                                                                                                                                                                                                                                                              | 6/6/18   | 3010 |
| <b>1:50</b> | <b>NATURAL RESOURCE COMMISSION[571]</b>                                                                                                                                                                                                                                                                           |          |      |
|             | NATURAL RESOURCES DEPARTMENT[561]"umbrella"                                                                                                                                                                                                                                                                       |          |      |
|             | Christina Iiams, 515.725.8240                                                                                                                                                                                                                                                                                     |          |      |
|             | Snowmobile fee grants, cost-share programs, and contracts, adopt 47.10; rescind 47.30 to<br>47.47                                                                                                                                                                                                                 |          |      |
|             | <u>Notice</u> <u>ARC 3828C</u> .....                                                                                                                                                                                                                                                                              | 6/6/18   | 3027 |
|             | Deer hunting by residents and nonresidents, amendments to chs 94, 106                                                                                                                                                                                                                                             |          |      |
|             | <u>Filed</u> <u>ARC 3831C</u> .....                                                                                                                                                                                                                                                                               | 6/6/18   | 3056 |
|             | Wild turkey spring and fall hunting, amendments to chs 98, 99                                                                                                                                                                                                                                                     |          |      |
|             | <u>Filed</u> <u>ARC 3832C</u> .....                                                                                                                                                                                                                                                                               | 6/6/18   | 3063 |

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| <b>2:20</b>                                                                                                                         |          |      |
| <b>TRANSPORTATION DEPARTMENT[761]</b>                                                                                               |          |      |
| Tracy George, 515.239.1358                                                                                                          |          |      |
| Special registration plates, amendments to ch 401                                                                                   |          |      |
| <u>Notice</u> <u>ARC 3820C</u> .....                                                                                                | 6/6/18   | 3044 |
| Federal motor carrier safety and hazardous materials regulations—adoption by reference,<br>520.1, 529.1, 529.2, 607.10(1)“c”        |          |      |
| <u>Filed</u> <u>ARC 3840C</u> .....                                                                                                 | 6/6/18   | 3119 |
| Automated traffic enforcement on the primary road system, rescind ch 144                                                            |          |      |
| <u>Notice</u> <u>ARC 3864C</u> .....                                                                                                | 7/4/18   | 15   |
| Driver’s license issuance, amendments to ch 605                                                                                     |          |      |
| <u>Notice</u> <u>ARC 3865C</u> .....                                                                                                | 7/4/18   | 16   |
| Driver’s licenses for undercover law enforcement officers, amendments to ch 625                                                     |          |      |
| <u>Notice</u> <u>ARC 3866C</u> .....                                                                                                | 7/4/18   | 20   |
| Highway bridge program for cities and counties; swapping of surface transportation block<br>grant funds, amendments to chs 161, 162 |          |      |
| <u>Filed</u> <u>ARC 3878C</u> .....                                                                                                 | 7/4/18   | 61   |
| Reimbursable services and supplies, 174.3(1)“a”                                                                                     |          |      |
| <u>Filed</u> <u>ARC 3879C</u> .....                                                                                                 | 7/4/18   | 63   |
| Aeronautics and aviation vertical infrastructure—correction of citations, amendments to<br>chs 700, 710, 715, 716, 717              |          |      |
| <u>Filed</u> <u>ARC 3880C</u> .....                                                                                                 | 7/4/18   | 65   |
| Railroad transportation and safety, amendments to chs 800, 810, 813                                                                 |          |      |
| <u>Filed</u> <u>ARC 3881C</u> .....                                                                                                 | 7/4/18   | 67   |
| Notification of railroad accidents/incidents, amendments to ch 802                                                                  |          |      |
| <u>Filed</u> <u>ARC 3882C</u> .....                                                                                                 | 7/4/18   | 71   |
| Railroad revolving loan and grant fund program, amendments to ch 822                                                                |          |      |
| <u>Filed</u> <u>ARC 3883C</u> .....                                                                                                 | 7/4/18   | 74   |
| <b>2:40</b>                                                                                                                         |          |      |
| <b>HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]</b>                                                                   |          |      |
| John Benson, 515.725.3231                                                                                                           |          |      |
| Adoption of hazard mitigation plan and disaster recovery plan, 9.3, 9.4                                                             |          |      |
| <u>Notice</u> <u>ARC 3846C</u> .....                                                                                                | 6/20/18  | 3146 |
| 911 telephone systems, 10.2, 10.4(2), 10.7, 10.9, 10.13                                                                             |          |      |
| <u>Filed</u> <u>ARC 3868C</u> .....                                                                                                 | 7/4/18   | 29   |
| <b>2:45</b>                                                                                                                         |          |      |
| <b>UTILITIES DIVISION[199]</b>                                                                                                      |          |      |
| COMMERCE DEPARTMENT[181]“umbrella”                                                                                                  |          |      |
| Matthew Oetker, 515.725.7349                                                                                                        |          |      |
| Complaint procedures, amendments to ch 6                                                                                            |          |      |
| <u>Notice</u> <u>ARC 3850C</u> .....                                                                                                | 6/20/18  | 3155 |
| Civil penalties, amendments to ch 8                                                                                                 |          |      |
| <u>Notice</u> <u>ARC 3851C</u> .....                                                                                                | 6/20/18  | 3160 |
| Evaluation of management efficiency of rate-regulated utilities, amendments to ch 29                                                |          |      |
| <u>Notice</u> <u>ARC 3852C</u> .....                                                                                                | 6/20/18  | 3164 |

**NO REPRESENTATIVE REQUESTED TO APPEAR**

# **AGENDA, ADMINISTRATIVE RULES REVIEW COMMITTEE**

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| <b>XX:00 WORKERS' COMPENSATION DIVISION[876]</b>                                          |          |      |
| WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"                                           |          |      |
| Payroll tax tables, 8.8                                                                   |          |      |
| <u>Filed</u> <u>ARC 3884C</u> .....                                                       | 7/4/18   | 81   |
| <b>XX:00 REVENUE DEPARTMENT[701]</b>                                                      |          |      |
| Sales and use tax ineligible for refund; workforce housing tax incentives program, 12.19, |          |      |
| 42.53, 52.46, 58.23                                                                       |          |      |
| <u>Filed</u> <u>ARC 3837C</u> .....                                                       | 6/6/18   | 3108 |
| Assessor and deputy assessor examination—preliminary education requirements, 72.1(1),     |          |      |
| 72.3                                                                                      |          |      |
| <u>Filed</u> <u>ARC 3838C</u> .....                                                       | 6/6/18   | 3115 |
| <b>XX:00 PROFESSIONAL LICENSURE DIVISION[645]</b>                                         |          |      |
| PUBLIC HEALTH DEPARTMENT[641]"umbrella"                                                   |          |      |
| Physical therapists and physical therapist assistants, occupational therapists and        |          |      |
| occupational therapy assistants—licensure, continuing education, 200.6, 203.3(2),         |          |      |
| 206.8                                                                                     |          |      |
| <u>Filed</u> <u>ARC 3876C</u> .....                                                       | 7/4/18   | 54   |