

**MINUTES OF THE SEPTEMBER 2015 MEETING  
OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**

**Date of meeting:** The regular, statutory meeting of the Administrative Rules Review Committee (ARRC) was held on Tuesday, September 8, 2015, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa.

**Members present:** Representative Dawn Pettengill, Chair, and Senator Wally Horn, Vice Chair; Senators Mark Chelgren, Mark Costello, Thomas Courtney, and Pam Jochum; Representatives Lisa Heddens, Megan Jones, Rick Olson, and Guy Vander Linden were present.

**Also present:** Jack Ewing and Tim Reilly, Legal Counsel; Stephanie A. Hoff, Administrative Code Editor; Larry Johnson, Administrative Rules Coordinator; fiscal staff; caucus staff; and other interested parties.

**Convened** Rep. Pettengill convened the meeting at 9:02 a.m.

**Fiscal overview** Adam Broich presented the LSA fiscal report.

**ALCOHOLIC BEVERAGES DIVISION** Stephanie Strauss and Heather Schaffer represented the division.

**ARC 2106C** Proposed amendments to 16.1 and 16.7 to 16.9 pertain to tastings, samplings and trade spending. Ms. Strauss explained that the amendments allow for the addition of federal definitions and for greater specificity regarding tastings, samplings and trade spending. In response to committee members' questions, Ms. Strauss explained the stipulations related to amounts served, alcoholic content and brands; oversight by the division; and record keeping. Ms. Schaffer stated that the division investigates complaints from industry or the public.

**COLLEGE STUDENT AID COMMISSION** Julie Leeper represented the commission.

**ARC 2112C** No questions on proposed amendments to 8.2 and 8.4 regarding the all Iowa opportunity scholarship program.

**ARC 2111C** No questions on proposed amendments to 20.1(6)"c" pertaining to the National Guard educational assistance program.

**ARC 2110C** No questions on proposed amendments to 28.4(1) concerning selection criteria for the teach Iowa scholar program. Rep. Jones, expressing disappointment that Iowa resident status will be placed at a lower priority in the selection criteria, acknowledged that the change is being made for recruitment purposes.

**ARC 2101C** No questions on proposed amendments to 36.1(4) regarding monetary awards related to the Governor Terry E. Branstad Iowa state fair scholarship.

**CORRECTIONS DEPARTMENT** Michael Savala represented the department.

**ARC 2100C** No action on amendments to ch 37, which rescind the language of Adopted and Filed ARC 2056C (IAB 7/8/15) and restore verbatim the text of ch 37 in effect prior to July 8, 2015. In response to an inquiry from Rep. Pettengill, Mr. Savala stated that a new Notice of Intended Action will be submitted by the September 11, 2015, filing deadline.

**ECONOMIC DEVELOPMENT AUTHORITY** Tim Whipple represented the authority. Other interested parties included Mark Joyce of the Technology Association of Iowa (TAI).

**ARC 2099C** No action on amendments to ch 104 and new ch 110 pertaining to the STEM (science, technology, engineering, and mathematics) internship program. Mr. Whipple explained that pursuant to 2015 Iowa Acts, Senate File 510, the amendments reflect the statutory clarification of the match language for the STEM internship program and the innovative businesses internship program.

In response to an inquiry from Sen. Chelgren, Mr. Whipple explained that the change from "board" to "director" in Item 2 allows for ongoing, staff-level approval of hundreds of internships for which monthly board approval is infeasible. In response to an inquiry from Rep. Pettengill regarding the meaning of "significant" in the phrase "significant portion of its employees" in 110.5(1), Mr. Whipple stated that the provision is intended to prevent a company from being formed to receive assistance without employing anyone. Mr. Whipple added that the authority has not declined assistance based on this provision.

**Economic Development Authority (continued)**

Mr. Joyce expressed support for the rules and thanked the legislature and the authority for the statutory changes.

**EDUCATIONAL EXAMINERS BOARD** Darcy Lane and Duane Magee represented the board.

**ARC 2131C**

Proposed amendments to ch 12 pertain to a \$4 increase in licensure fees. Ms. Lane explained that 2015 Iowa Acts, House File 658, section 52, transferred \$600,000 from the board to the department of education to fund department software. The appropriation of these funds will leave the board with a reserve of approximately \$550,000 to start fiscal year 2016. She stated that the \$4 fee increase will provide the board with additional dollars to rebuild the board's cash reserves and enhance its revenue stream to fund anticipated increased expenses. She noted that fees had not been increased since 2005.

Discussion pertained to the justification for the increase in licensure fees and to related issues, including the appropriate amount of and the purpose for reserve funds.

Mr. Magee explained that in addition to staff salaries, only four of which are not associated with collective bargaining, and the annual statutory deposit of 25 percent of licensure fees in the general fund, the expenses of the board also include costs related to the annual maintenance of the licensing system and an upgrade of the electronic fingerprinting equipment. He stated that the number of transactions may also vary from the projected number, causing uncertainty about actual revenue. Mr. Magee stated that without the fee increase, some staff positions will go unfilled to protect cash reserves, and he expressed concern that the level of customer service, for example, the processing of a license in 24 to 48 hours, would be impacted.

Sens. Courtney and Horn expressed concern that the fee increase is a tax on graduating students. Sens. Chelgren and Courtney and Rep. Heddens expressed doubt about the need for the increase in licensure fees given the amount of remaining reserve funds. Sen. Costello questioned the provision in Iowa Code section 272.10, which requires that 25 percent of the licensure fees collected annually be deposited in the general fund. Sen. Chelgren suggested that the legislature examine this statutory requirement and consider instead the deposit of 10 percent of licensure fees in the general fund. Rep. Jones commended the board for its forthrightness regarding the fee increase and observed that the cost to a first-time applicant for fingerprinting performed by the department is clearly disclosed to the applicant.

**ARC 2130C**

Proposed amendments to chs 13, 15, 16, 18, 20, 22 to 24 and 27 concern background checks for applicants.

In response to an inquiry from Rep. Pettengill regarding the records of dismissed charges or acquittals available on Iowa courts online, Rep. Jones stated that pursuant to 2015 Iowa Acts, Senate File 385, which becomes effective January 1, 2016, criminal records of cases in which a person was acquitted or the charges were dismissed will be expunged from Iowa courts online 180 days after dismissal of charges or acquittal. Rep. Pettengill expressed concern that records of dismissed charges or acquittals would remain online during the 180-day waiting period. Ms. Lane stated that while conducting background checks, the board notes and then disregards records of dismissed charges or acquittals.

**ARC 2120C**

No action on amendments to 20.5 and 20.6 pertaining to the issuance of renewal units for licensees serving as cooperating teachers.

**ARC 2121C**

No action on 22.11 concerning a one-year, nonrenewable extension of an authorization.

**EDUCATION DEPARTMENT** Phil Wise represented the department.

**ARC 2118C**

Proposed 15.8 pertains to open enrollment of students to the two receiving school districts that offer online coursework: Cumberland-Anita-Massena (CAM) and Clayton Ridge. Mr. Wise summarized the statutory changes in 2015 Iowa Acts, Senate File 510, that are referenced in 15.8 and include removal of the sunset, expansion of reporting data, enhanced oversight of programs by the department, and flexibility on statutory caps if a change in the cap is in the best educational interest of the student.

**Education Department (continued)**

Rep. Jones expressed appreciation for the department's work on the legislation. Sen. Horn expressed concern regarding the effect of open enrollment and declining enrollment on equitable funding of education for all students. Sen. Chelgren suggested that the department recommend legislation to provide open enrolled students in CAM and Clayton Ridge opportunities for participation in extracurricular activities, such as art, music and sports, in the students' local school districts. Mr. Wise agreed to relay the suggestion to the director of the department.

**INSPECTIONS AND APPEALS DEPARTMENT** David Werning represented the department.

- ARC 2080C No questions on proposed amendments to 51.50 pertaining to minimum construction standards for hospitals and off-site premises.
- ARC 2081C No questions on proposed amendments to ch 56 regarding contested cases, fines, and citations related to health care facilities.
- ARC 2122C No questions on proposed amendments to ch 25 pertaining to the addition of service-disabled veterans to the categories of persons who may seek targeted small business certification.

**IOWA FINANCE AUTHORITY** Mark Thompson, Carla Pope and Lori Beary represented the authority. Other interested parties included Michael McLain of the Iowa Land Title Association.

- ARC 2077C No questions on proposed amendments to ch 12 regarding the qualified allocation plan for the low-income housing tax credit program.
- ARC 2128C Proposed amendments to ch 9 pertain to the title guaranty division. Mr. Thompson explained that the rules have been reviewed and amendments proposed to reflect state law and supreme court case law and to eliminate any internal contradictions. He added that the authority undertook an extensive process to receive comment from interested parties, including the Iowa State Bar Association and the Iowa Land Title Association, during pre-Notice review of the rules.

Rep. Pettengill inquired about the definition of "participating abstractor," the type of liability insurance intended, optional title plant inspections, and the waiver of title plant requirements related to hardship and to withdrawal of a waiver. Ms. Pope explained that the inclusion of "person" in the definition of "participating abstractor" broadens the range of entities that are abstractors and stated that the addition of a statutory definition of abstractor would be beneficial; that liability insurance refers to professional errors and omissions insurance; that the authority will explore whether title plant inspections should be mandatory and will review the meaning of "more than minimal" in regard to hardship; and will examine the standards for withdrawal of a waiver. Sen. Chelgren suggested that the definition of "participating abstractor" be clarified as the term relates to the use of technology in the field of abstracting. Ms. Pope stated that the authority will consider the committee's and stakeholders' concerns in reviewing the proposed amendments.

Mr. McLain recommended that the standards be made more specific and rely less on an Iowa supreme court decision regarding title plants.

- ARC 2127C No questions on proposed amendments to ch 44 concerning the agricultural development division.

**IOWA PUBLIC INFORMATION BOARD** Charlie Smithson represented the board.

- ARC 2093C No questions on proposed amendments to 1.1 pertaining to the election of a vice chair of the board.
- ARC 2088C No action on amendments to 1.2 and 1.3 regarding board advisory opinions. In response to an inquiry from Sen. Chelgren, Mr. Smithson clarified to whom the board may issue an advisory opinion and the difference between the complaint process and the issuance of an advisory opinion and between an advisory opinion from the board and informal staff advice on routine matters.
- ARC 2090C No action on amendments to 1.4 concerning conflicts of interest.
- ARC 2089C No action on amendments to 2.1 pertaining to complaint investigation and resolution procedures. In response to an inquiry from Rep. Pettengill, Mr. Smithson stated that thus far in 2015, 118 complaints have been received by the board.

**Iowa Public Information Board (continued)**

**ARC 2091C**

No action on ch 8, open meetings.

In response to an inquiry from Sen. Chelgren, Mr. Smithson clarified that in a closed session, a board may discuss only the statutory issue(s) which the board stated publicly prior to going into closed session. In response to a question from Sen. Courtney, Mr. Smithson explained that to investigate a complaint, the board and the ombudsman's office may obtain access to audio recordings of closed sessions on behalf of the public. Mr. Smithson stated that other issues related to Iowa Code chapters 21 and 22 have yet to be explored by the legislature.

**LABOR SERVICES DIVISION Kathleen Uehling represented the division.**

**ARC 2134C**

No action on amendments to ch 32 pertaining to child labor.

Ms. Uehling explained that in response to a question from Rep. Pettengill at the June meeting, changes were made to conform the rules to the counting provision in Iowa Code section 4.1(34). Ms. Uehling stated that additional changes were made to conform the rules to the statutory language.

**Special Review**

Rep. Pettengill stated that in response to concern expressed by a church in her district and a church in Rep. Bruce Bearinger's district, she requested a special review of child safety guards on elevators, the subject of Adopted and Filed ARC 1972C (IAB 4/29/15). She explained that each church operates a residential-type elevator. The church in her district has sought assistance from Schumacher Elevator Company to redesign the elevator to meet the child safety guards (light curtains) requirement. However, the 30-day time period for compliance by this church is nearing expiration and no redesign has been completed. In addition, according to the estimate from Schumacher, the original \$500 estimated total cost for redesign will instead be \$1000 per door. In addition, a \$300 inspection fee and a \$300 reinspection fee are required. Rep. Pettengill sought assistance from the division on behalf of the churches.

Ms. Uehling stated that the board and division staff are willing to assist affected parties that are working toward compliance with the child safety guards requirement. She explained that the division allows application for an extension, provides for direct inquiries to and assistance by staff, provides an avenue for appeal, and allows application for a variance should the affected party verify compliance by employing an alternative to the requirement. Ms. Uehling noted that the decision to waive the \$300 reinspection fee has already been made and added that from the time the rules were proposed, the division, in rule, waived the \$500 alteration permit fee. Ms. Uehling also stated that the standard notification letter about the new child safety guards will be revised to clarify the stipulations unique to compliance with this requirement.

In response to an inquiry from Sen. Chelgren regarding the impetus for the rule, Ms. Uehling explained the history of the use of residential-type elevators in public buildings and explained that statistical data reveal many instances of bodily injury to children and others in this type of elevator, though there have been no injuries related to this type of elevator in Iowa. Sen. Chelgren recommended that to ensure the safety of children and others and compliance with the Americans with Disabilities Act (ADA), an alternative to the child safety guards, such as a warning system or key-only access, be used while the affected parties bring their respective elevators into compliance with the rules. Sen. Courtney requested that the division consider stating in the rule an alternative to the child safety guards that would allow key-only access to the elevator under the authority and control of an adult.

**NATURAL RESOURCE COMMISSION Tamara McIntosh, Kelley Myers and Bruce Trautman represented the commission. Other interested parties included Mike Heller of the Iowa Conservation Alliance; Jim Wooley of Pheasants Forever, Inc.; Lyle Goodrich; Steve Dermand, Izaak Walton League, Warren County chapter; Don Bonneau of the Iowa Outdoor Partnership; Marty Ryan of Fawkes-Lee and Ryan, Inc. on behalf of the Lead Is Poison Coalition (LIP-C); and Stephanie Fawkes-Lee.**

**ARC 2087C**

No action on amendments to 97.1 to 97.3 and 97.6 concerning possession limits for common snipe, Virginia rail and sora, woodcock, ruffed grouse and doves.

## Natural Resource Commission (continued)

Ms. Myers stated that the amendments concern bag limits for certain migratory birds. She noted that the committee raised questions at the July meeting specifically regarding the commission's authority to permit the hunting of the Eurasian collared-dove. Ms. Myers stated that in a telephonic meeting during which the committee's concerns were considered, the commission decided to proceed with the rule making as proposed.

Ms. McIntosh explained the statutory bases for the commission's decision. She stated that the Eurasian collared-dove, which is a species of the family Columbidae, is introduced in Iowa Code chapter 481A with the term "such as," the use of which is legally considered to expand the provision. The commission, she continued, believes that it has sufficient authority to regulate other species of the family Columbidae as game birds. In addition, Ms. McIntosh stated that Eurasian collared-doves in flight are difficult to distinguish from mourning doves; thus, to avoid inadvertent taking of Eurasian collared-doves, which are not native to Iowa, the mourning dove and the Eurasian collared-dove were included together in the rule. Ms. McIntosh also stated that there is concern that over time, mourning doves and other native birds could be forced out of their habitats by Eurasian collared-doves, a consequence which reasonably could impact native bird population numbers.

In response to an inquiry from Sen. Chelgren, Ms. McIntosh stated that pigeons are nonprotected nongame birds. Rep. Olson inquired about the types of doves regulated by the department, whether rock doves are or should be regulated, and the potential fines for illegally taking regulated game birds. Mr. Trautman stated in response that only mourning doves and Eurasian collared-doves may be taken in Iowa. Ms. McIntosh will follow up with additional information in response to Rep. Olson's other questions. Sen. Courtney stated that he does not oppose dove hunting but does oppose not following the statute and questioned whether the statute should be changed to include the Eurasian collared-dove along with the mourning dove.

Mr. Heller, expressing support for the rule, stated that wildlife management decisions should be made by wildlife professionals based on science. Mr. Wooley, also in support of the rule, stated that the Eurasian collared-dove is considered by the U.S. Fish and Wildlife Service to be an invasive species found primarily in urban areas and that ancillary take of an invasive species is not necessarily an important issue. Mr. Goodrich discussed bag limits on Eurasian collared-doves. Mr. Dermand and Mr. Bonneau expressed support for the rule.

Mr. Ryan, expressing opposition to the rule, challenged the commission's decision and stated that concern regarding the invasion of mourning dove habitat by the Eurasian collared-dove would be alleviated if the Eurasian collared-dove were removed from the rule and allowed to be hunted without a bag limit. Ms. Fawkes-Lee expressed concern that the request by some members of the committee at the July meeting to remove the Eurasian collared-dove from the final rule was not respected.

- |           |  |
|-----------|--|
| ARC 2086C | No action on amendments to ch 106 pertaining to quotas, permitted type of broadhead, and certification of disability related to deer hunting by residents. In response to an inquiry from Sen. Chelgren, Ms. Myers stated that deer-related collisions are taken into account when license quotas are set. |
| ARC 2133C | No action on 14.9 pertaining to the exemption regarding concessions at Honey Creek Resort State Park.  |
| ARC 2129C | No action on amendments to 91.1, 91.3 and 91.6 pertaining to season dates for waterfowl and coot hunting.  |

**NATURAL RESOURCES DEPARTMENT** Kelley Myers and Alex Cross represented the department.

- |           |  |
|-----------|--|
| ARC 2092C | No action on ch 13, state lands volunteer program.   |
| ARC 2132C | No questions on proposed amendments to ch 12 pertaining to special deer and turkey hunting licenses for nonresident disabled veterans or disabled members of the armed forces. |

**PROFESSIONAL LICENSURE DIVISION** Susan Reynolds represented the division.

ARC 2094C Proposed amendments to 44.3(2) and 45.2(31) pertain to continuing education and grounds for discipline for chiropractors. Regarding the phrase "requesting patient records without a medical justification" in 45.2(31), Rep. Pettengill asked whether the action described would be a violation of the Health Insurance Portability and Accountability Act (HIPAA) and whether the board would report a violation. Ms. Reynolds agreed to follow up on the inquiry.

**PUBLIC HEALTH DEPARTMENT** Kala Shipley represented the department. Other interested parties included Thomas Brown on behalf of the Advisory Council on Brain Injuries.

ARC 2083C No questions on proposed amendments to ch 1 pertaining to reportable diseases, poisonings and conditions and to quarantine and isolation.

ARC 2082C No questions on proposed amendments to ch 3 regarding early hearing detection and intervention.

ARC 2084C No questions on proposed ch 145, Iowa physician orders for scope of treatment.

ARC 2135C No questions on the termination of proposed amendments to 21.1 to 21.6 pertaining to a central registry for brain and spinal cord injuries.

Mr. Brown expressed support for the termination, stated that the Council will continue to work with the Brain Injury Alliance and the Iowa Hospital Association on the rules, and requested that the Council's concerns, including the improvement of the reporting requirements and of the prevention and planning efforts for services, continue to be addressed.

**REVENUE DEPARTMENT** Brad Hopkins and Victoria Daniels represented the department.

ARC 2108C No action on ch 126 and related amendments to 71.21 pertaining to the property assessment appeal board.

ARC 2123C No questions on proposed amendments to chs 67 and 68 pertaining to the excise tax rate on motor and special fuels and to the biodiesel distribution percentage formula.

**TRANSPORTATION DEPARTMENT** Melissa Spiegel, Tracy George and Craig Markley represented the department.

ARC 2071C No action on amendments to chs 602, 604, 605 and 607 pertaining to the adoption by reference of federal motor carrier safety regulations and to licensing.

ARC 2117C No questions on proposed amendments to chs 10 to 12 regarding an update of uniform rules relating to rule making, waivers and declaratory orders.

ARC 2126C No questions on proposed amendments to ch 102 regarding road fund formulas and the distribution committee.

**INSURANCE DIVISION** Doug Ommen, Tom O'Meara and Gary Marquett represented the division. Other interested parties included Scott Wiser of the National Association of Insurance and Financial Advisors.

ARC 2078C Proposed amendments to chs 4, 20, 30, 35, 39 and 40 pertain to authorized methods for delivery of notices of cancellation, nonrenewal or termination.

In response to an inquiry from Rep. Jones, Mr. Ommen explained that U.S. Postal Service Intelligent Mail®, an electronic tracking service, is equivalent to the more traditional certificate of mailing and fulfills the requirements for proof of mailing. Mr. Ommen, in response to a question from Rep. Pettengill, stated that the focus of public comment was clarification, including verification of the methods for delivery that could be approved by the commissioner over time. In response to an inquiry from Sen. Chelgren, Mr. Ommen stated that the consumer must consent to the delivery method for notices of nonrenewal or termination, and, for notices of cancellation, verification of receipt by the consumer is required. Mr. Ommen agreed to follow up on Sen. Chelgren's question regarding protection for a consumer who does not consent to electronic delivery of notices of cancellation, nonrenewal or termination (e.g., no penalty or fee for mailing).

ARC 2103C No questions on a proposed amendment to 20.8, rate filings for crop-hail insurance.

ARC 2079C Proposed amendments to ch 50 relate to regulation of securities offerings and those who engage in the securities business.

## Insurance Division (continued)

Discussion pertained to Item 4, new 50.47, concerning business continuity and succession planning for investment advisors. Rep. Pettengill pointed out that this topic was not addressed in 2015 Iowa Acts, House File 632, and stated that the process of succession planning is a significant issue that should be addressed through the legislative process. Rep. Vander Linden concurred and expressed concern that a significant change is being made in rule based on a recommendation by an industry association whose model rule is not related to state or federal law. Rep. Olson inquired about the current method for addressing succession, the urgency of the change, and the overall goal of the rule. Sen. Chelgren expressed concern regarding the manner in which accounts would be transferred.

Mr. Marquett explained that the purpose for the rule is the establishment of a plan by a financial advisor that allows a consumer to have access to the consumer's accounts in a variety of circumstances, such as the illness or death of the consumer's financial advisor, a natural disaster, or other significant business interruption. He stated that financial advisors and consumers currently rely on voluntary plans. He pointed out, however, that because of instances of significant business interruptions that have occurred in other states, the North American Securities Administrators Association is encouraging the development of succession plans. Mr. Marquett stated that it was not the intention of the division to obscure this more substantive rule among nonsubstantive amendments to other securities rules and that noncompliance with the rule would not result in a penalty but instead a 30- to 60-day window to comply with the rule. He stated that the goal of the rule is to encourage financial advisors and consumers to consider the ramifications of unforeseen circumstances and to establish a succession plan to protect and assist consumers.

Sen. Chelgren expressed concern that the succession plan could be focused on the best interests of brokers rather than the best interests of consumers. Rep. Pettengill stated that the committee's questions and concerns should be brought to the legislature.

Mr. Wiser offered to work with the legislature to address the concerns of the committee regarding succession planning for investment advisors.

**NURSING BOARD** Kathy Weinberg represented the board. Other interested parties included Laura Malone and Jennifer Nutt of the Iowa Hospital Association and Lynn Boes on behalf of the Iowa Health Care Association (IHCA), the Iowa Center for Assisted Living (ICAL), and the Iowa Nurses Association (INA).

**ARC 2109C** Proposed amendments to ch 4 and new ch 20 pertain to discipline and contested case procedures. Ms. Weinberg stated that one of the primary changes is the reorganization and updating of the grounds for discipline to include statutory bases for each of the grounds for discipline pursuant to Iowa Code section 147.55 or 152.10.

Ms. Malone and Ms. Nutt, who had previously submitted comments, emphasized their concern about professional boundaries as set forth in 4.6(5)"c." Ms. Malone explained that because "patient" includes the patient and the patient's family or caretakers, the prescribed professional boundaries could preclude relationships that may already exist between members of hospital staff and the patient's family members in small towns.

Ms. Boes, on behalf of IHCA and ICAL, requested that the following topics be clarified: administration of medications in 4.6(4)"f"; the standard for conduct in 4.6(4)"v"; professional boundaries in 4.6(5)"c"; and in 4.6(13)"a," the standard of practice when a nurse has an infectious or contagious disease.

Ms. Boes, on behalf of INA, expressed concern regarding conflicts of interest related to peer review and requested clarification of the phrase "outside the licensee's specialty area" in 4.6(4)"u," the work environment in 4.6(4)"v," and due process rights in 4.6(11)"h."

Rep. Pettengill expressed the hope that the board will take the public comment under advisement and that the final rules will reflect the incorporation of changes based on that comment.

**ARC 2085C** No questions on proposed ch 19, Iowa nurse assistance program.

**VOLUNTEER SERVICE, IOWA COMMISSION ON** Adam Lounsbury represented the commission.

ARC 2107C No questions on proposed ch 11, Iowa reading corps.

**HUMAN SERVICES DEPARTMENT** Nancy Freudenberg, Deb Johnson and Mikki Stier represented the department. Other interested parties included Geoffrey Lauer of the Brain Injury Alliance of Iowa; Thomas Brown of Community NeuroRehab; Sara Allen of the Iowa Hospital Association; Kelsey Clark of the Iowa Behavioral Health Association (IBHA); Chris Hoffman of Pathways Behavioral Services; William Stumpf; Bob Bartles of Hope Haven; Shelly Chandler of the Iowa Association of Community Providers; David Mitchell of Iowa vocational rehabilitation services; and Amy Dusenberg-Wines of the Iowa Coalition for Integrated Employment.

ARC 2113C Proposed amendments to chs 77 to 79 concern community-based neurobehavioral rehabilitation residential and intermittent services. Ms. Freudenberg stated that the department has developed the proposed amendments in partnership with brain injury community providers, explained the cost savings to the state, and added that the department of inspections and appeals has thus far licensed four facilities that provide these in-state services.

Mr. Lauer, who explained the benefits of the program for clients and the cost savings to the state, expressed support for the amendments. Mr. Brown also expressed support for the amendments and appreciation to the department and the other interested parties for expanding services to persons with brain injury.

ARC 2115C No questions on proposed 78.37(18) regarding the assisted living service related to HCBS elderly waiver services. Ms. Freudenberg stated the amendment reflects the changes required by CMS for renewal of the elderly waiver.

ARC 2096C Proposed 78.55 pertains to services rendered via telehealth under the Medicaid program. Ms. Freudenberg stated that based on public comment regarding service coverage, the department will include in the filed rule a reference to the board of medicine rule regarding telehealth.

Ms. Allen and Ms. Clark expressed appreciation to the department for promulgating the rule and suggested 78.55 be revised to clarify that all Medicaid providers and services will be reimbursed. Mr. Hoffman described the telehealth services that Pathways provides and suggested revisions of 78.55 to clarify that all behavioral health services will be covered, that services will be provided from a billable location and that a room fee will be paid to the provider.

ARC 2075C No action on 79.1(5)"g"(5) regarding the threshold for combined claims for inpatient hospital readmissions.

In response to an inquiry from Sen. Chelgren, Ms. Stier explained that regarding hospital readmissions, the change from 7 days to 30 days, though not directly specified in the appropriations bill, was made by the department from the perspective of cost containment and quality of service.

ARC 2095C No questions on proposed amendments to ch 83 regarding the supports intensity scale (SIS) assessment related to intellectual disability waiver services.

ARC 2073C No questions on proposed amendments to chs 109 and 170 regarding changes in allowable exemptions for child care program licensure.

ARC 2069C No action on amendments to chs 112, 113, 117, 175 and 202 pertaining to the implementation of the federal preventing sex trafficking and strengthening families Act.

ARC 2124C No questions on proposed amendments to 150.3(5)"p" and 202.9(4)"e" regarding the reimbursement rate increase for resource family recruitment and retention contractors, child welfare emergency service contractors, and supervised apartment living foster care providers.

ARC 2114C Proposed amendments to chs 77 to 79 and 83 pertain to the prevocational and supported employment services under the habilitation and brain injury and intellectual disability waiver programs. Ms. Freudenberg stated that changes will be made to the amendments based on public comment that has been received.



## Human Services Department (continued)

Mr. Stumpf commended the amendments but expressed concern that to balance the department's budget, the budget-neutral amendments may create a divide between the advocates for members and the agencies that serve members. Mr. Bartles commended the services to be provided but expressed concern regarding the rate methodology and staff qualifications. Ms. Chandler expressed appreciation to the department and to advocates for members for persistent work on the rule making and, in particular, commended Mr. Mitchell for his leadership and perseverance. Mr. Mitchell expressed appreciation to the committee and to the department for their collaborative effort on the amendments. Ms. Dusenberg-Wines applauded the effort by the department to engage with a variety of stakeholders in the development of the plan to change from facility-based, focused services to integrated services and requested that the collaboration continue when, based on public comment, the department finalizes the amendments.

Sen. Jochum expressed appreciation to the department for its work on the amendments, which were initiated by an employment redesign work group in 2013.

ARC 2097C Proposed amendments to 79.1(2) and 83.66 concern an intellectual disability waiver services cost-savings initiative. Ms. Freudenberg summarized the purpose for the amendments, and Ms. Johnson explained how the proposed amendments would be implemented. Ms. Johnson stated that 12,500 persons are served under the intellectual disability waiver and that the amendments would affect 600 persons who are outside the fee-for-service population.

Motion to suspend Following the presentation by the department, Rep. Vander Linden moved the suspension of the Notice for 70 days.

Motion carried On a unanimous roll call vote, the motion carried.

**ADMINISTRATIVE SERVICES DEPARTMENT** Caleb Hunter represented the department; Lisa Schneider represented Terrace Hill.

ARC 2072C Proposed amendments to ch 114 relate to the organization and operation of Terrace Hill. Ms. Schneider stated that the amendments reflect that the commission is no longer working with the Terrace Hill foundation and society.

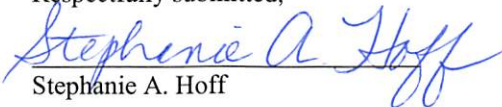
In response to an inquiry from Sen. Chelgren, Ms. Schneider explained the disassociation of the foundation and society from Terrace Hill. In response to a question from Sen. Jochum, Ms. Schneider stated that the changes will not affect the ability of the Terrace Hill commission to accept or use charitable donations.

**Committee business** The minutes of the August 11, 2015, meeting were approved.

The next meeting was scheduled for Tuesday, October 13, 2015, at 9 a.m.

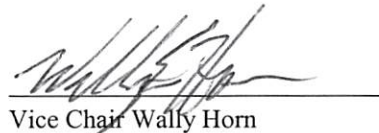
Adjourned The meeting was adjourned at 2:55 p.m.

Respectfully submitted,

  
Stephanie A. Hoff

APPROVED:

  
Chair Dawn Pettengill

  
Vice Chair Wally Horn