

MINUTES OF THE SPECIAL MEETING OF THE ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of meeting The special meeting of the Administrative Rules Review Committee (ARRC) was held on Monday, April 13, 1992, in Senate Committee Room 22, State Capitol, Des Moines, Iowa.

Members present Senator Berl E. Priebe, Chairman; Representative Emil S. Pavich, Vice Chairman; Senators Donald V. Doyle, H. Kay Hedge, John P. Kibbie, Dale L. Tieden; Representatives Ruhl Maulsby, Janet Metcalf, David Schrader and Jane Teaford.

Staff present: Joseph A. Royce, Legal Counsel, Phyllis Barry, Administrative Code Editor; Mary Ann Scott, Administrative Assistant; Caucus Staff and other interested persons.

Call to order The meeting was called to order by Chairman Priebe at 7:30 a.m. and the following agenda for Human Services Department was before the Committee:

HUMAN SERVICES

HUMAN SERVICES DEPARTMENT[441]

State community mental health and mental retardation services fund and special needs grants, 32.1, 32.3, 3/4/92

Filed ARC 2819A 3/4/92

Application for assistance, eligibility, payment, conditions of eligibility, application and investigation, medicaid waiver services, 50.5, 51.4(1), 51.6, 51.7, 51.9(2), 52.1(1), 52.1(2), 52.1(3)"a"(2), 75.2, 75.5(3)"c"(8), 75.5(3)"d," 75.16(2)"d"(3), 75.20(5), 76.1, 76.2(3), 76.5(1)"d," 83.43(1), 3/4/92

Filed ARC 2831A 3/4/92

Emergency assistance program, 58.3(1), 58.3(4), Notice ARC 2869A 3/18/92

Medicaid eligibility — transfers of resources, 75.15(2), Notice ARC 2870A 3/18/92

Medicaid eligibility — increase in statewide average cost to a private pay person for nursing care in Iowa, 75.15(2), Notice ARC 2871A 3/18/92

Medicaid eligibility, medically needy, 75.21(1), 75.21(5), 75.21(8)"c," 75.21(9), 75.21(11) to 75.21(13), 86.14(2)"a," Notice ARC 2872A 3/18/92

Amount, duration and scope of medical and remedial services, other policies relating to providers of medical and remedial care, 78.1(1)"a," 78.1(2), 78.1(2)"b" and "d," 78.1(3), 78.1(5), 78.1(9), 78.1(9)"d," 78.1(13)"c," 78.1(19), 78.2(1), 78.2(1)"b," 78.3, 78.3(18), 78.10(1)"c," 78.10(2)"a"(1) and (5), 78.10(2)"b," 78.10(3), 78.10(3)"c"(1) and (2), 78.10(4)"b," 78.15, 78.28(5)"b" and "c," 78.28(6)"b," 79.1(5)"n" and "q," Notice ARC 2873A 3/18/92

Medicaid coverage of enteral products and authorization for parenteral products, 78.10(3)"b," 78.10(3)"c"(2) and (3), 78.28(1)"c" and "d," Filed ARC 2832A 3/4/92

Other policies relating to providers of medical and remedial care, nursing facilities, 79.12(2), 81.1, 81.13(5) to 81.13(16), 81.13(18), 81.13(19), 81.16(3)"b," Filed ARC 2830A 3/4/92

Intermediate care facilities for the mentally retarded, 82.5(3), 82.5(14) to 82.5(16), 82.19, Notice ARC 2827A 3/4/92

Income guidelines — services funded with social services block grant funds, 130.3(1)"d"(2), Filed ARC 2836A 3/4/92

In-home health related care, 177.11(6), Notice ARC 2874A 3/18/92

Foster care services, 202.11(1), 202.11(2), Filed ARC 2837 3/4/92

Model waiver service providers — camps accredited 77.30(5)"c," 79.1(2), Notice ARC 2897A 4/1/92

Procedure and method of payment — screening services, 80.2(2)"f," Filed ARC 2931A 4/1/92

Abbreviated case plan, 130.7, 130.7(3)"a" and "b," Filed ARC 2908A 4/1/92

Child day care grants programs, ch 168, Notice ARC 2909A, also Filed Emergency ARC 2910A 4/1/92

- HUMAN SERVICES(cont'd.)** Present from the Department were Mary Ann Walker, Bureau of Policy Analysis; J. W. Brewer, Bureau Chief; Cynthia Tracy, Anita Smith, Rita Vodraska, Bob Schoene, Mary Helen Cogley, Barbara Posch and other Department representatives.
- 32.1, 32.3** Walker presented amendments to chapter 32 in ARC 2819A. Brewer further clarified for Priebe the percentage of funds used for services for persons with mental retardation or mental illness—32.3(2)"b"(4).
- 50.5 et al., 58.3** There were no questions or comments on ARC 2831A or 2869A.
- 75.15** With respect to amendment to 75.15(2), Walker explained to Metcalf that the DHS income maintenance workers determine the transfer of resources. Tracy further commented on the use of IRS Form 1099 in checking applications for Medicaid. Walker remarked to Hedge that the amount of the transfer depends on the length of disqualification—the larger the amount the longer the person is disqualified. According to Tracy, records could also be reviewed at the Recorder's office.
- Maulsby and Tracy discussed the transfer of funds that takes place over a period of years.
- 75.15(2)** There were no questions or comments on ARC 2871A, last paragraph of 75.15(2).
- 75.21, 86.14** In review of amendments to 75.21 and 86.14(2), Priebe referred to the Preamble explanation of the policy on Medicaid eligibility for children and reasoned that lack of cooperation could be anticipated. Department officials clarified that only parents would be sanctioned.
- 78.1(1) et al., 78.10 et al., 79.12(2) et al.** ARCs 2873A and 2832A were reviewed with no recommendations.
- There was brief review of amendments to 79.12(2) et al. Hedge questioned paragraph 16 of the preamble regarding misappropriation of property. He was advised this would include furniture and that type of personal possessions which would not be held for rent.
- Ch 82** Amendments to Chapter 82, Intermediate Care Facilities for the Mentally Retarded, were reviewed (ARC 2827A). Priebe, Teaford and Vodraska discussed the amortization of start-up costs over a five-year period for new facilities and allowable costs for existing facilities being limited to the eightieth percentile of existing facility costs during first six months of operation. It was Priebe's understanding that costs would be held at five percent as opposed to the previous ten percent.
- Responding to Maulsby, Walker said it has been recommended that they use the last half of fiscal year 1992 as the base period since increased minimum wage costs would be included. She indicated that Gary Gesaman would be present when the adopted version of the rules was before the ARRC. The procedure followed for DHS public hearings was discussed with it being pointed out that tape recorders were used to record comments. Limitation of staff precludes the Department from having knowledgeable representatives for every hearing throughout the state. Maulsby and Kibbie voiced opposition to this approach. Walker agreed to report Committee concerns to Director Palmer. Tieden suggested that the procedure be made known when announcing public hearings.

**HUMAN
SERVICES(cont'd)
130.3**

Amendment to 130.3(1) was before the Committee. Priebe asked how Iowa compares with surrounding states in regard to income guidelines for block grant funds. Walker was willing to provide this information before the issue was debated in the Senate.

177.11(6); 202.11

There were no questions or comments on ARCs 2874A and 2837A.

77.30(5); 79.1(2)

Walker informed Priebe that amendments to 77.30 and 79.1(2) add accredited camps as a new category of respite providers. Currently, Camp Sunnyside in the only one in Iowa. This type of care is provided for a limited time to relieve the family and Walker spoke of the difficulty in finding nursing home facilities with space to provide respite care. Priebe opined that \$115 per day for care at a camp was much higher than it would be at another facility. He suggested including the words "whichever is the lesser" since the state was trying to cut costs.

Cogley responded to Kibbie that facilities outside the state could provide respite care.

80.2; 130.7

No comments or recommendations on ARC 2831A or 2908A.

Ch 168

Walker briefed the Committee on ARC 2910A regarding child day care grants. She said the Day Care Advisory Committee favored larger grants to fewer facilities to reflect more of an impact on the actual child care.

Posch advised Priebe that last year's federal grant money must be encumbered by the end of the federal fiscal year (September 30).

With respect to selection of proposals, Posch advised Kibbie that 168.5(2)"a" to "e" were of equal status. The Grant Review Committee will make recommendations based on the success of a program. Kibbie could foresee an "administrative nightmare."

Maulsby contended that larger population areas were favored and Posch responded that the Advisory Committee places a high priority on quality, availability and affordability.

Posch advised Teaford that some state money was allocated for the programs. No Committee action.

**UST BOARD
11.4**

Robb Hubbard and Bob Galbraith briefed the Committee on amendments to 591—Chapter 11 as published under Notice in IAB 3/18/92 as ARC 2867A. There were no questions on the amendments which address reimbursement for tank system upgrades and replacements.

**LABOR
SERVICES**

Walter Johnson, Deputy Labor Commissioner, was present for the following agenda:

LABOR SERVICES DIVISION[347]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Occupational exposure to bloodborne pathogens, 10.20, Filed Emergency After Notice ARC 2821A 3/4/92
Occupational exposure to asbestos, 26.1, Filed Emergency After Notice ARC 2822A 3/4/92
General industry safety and health rules, 10.20, Notice ARC 2932A 4/1/92
Construction safety and health rules, 26.1, Notice ARC 2933A 4/1/92

10.20

There were no questions on ARC 2821A.

26.1

Amendments to 26.1 were discussed. Priebe reported on numerous complaints he had received regarding OSHA. One in particular was from a contractor who leaned outside an open window without his hard hat and was fined \$400. Another was fined \$400 for not having a ladder placed correctly. Priebe had heard rumors that state inspectors were imposing excessive fines to make up shortfall of federal dollars. Johnson responded that if the appropriation to the OSHA program could be doubled, federal funds would flow equally. He disagreed that fines were raised to get more state money. He pointed out that fines had not been increased since 1972 when the statute was passed. Johnson noted statistics over the past six months reveal five inspections of single-family dwellings, most of them based on asbestos-related complaints; and there were six inspections of other residential housing.

Johnson spoke of the Division's attempt to meet with and explain the facts to the home building industry. He defended the amount of the penalty for an improperly placed ladder.

Schrader also expressed concern that the home building contractors were being unduly singled out for inspections and citations for violations.

Johnson reviewed the various types of violations and emphasized that the rumors did not coincide with the activity. There are six inspectors for Iowa. He informed Priebe the fines were increased in June of 1991 and penalties had no deterrent effect before the increase.

Schrader commented on the advantage that industry has to negotiate their fines. Contractors and homebuilders usually lack legal staff in their employ.

Hedge and Metcalf expressed opinions that a warning would be a better approach even if another visit by an inspector were necessary.

Motion
June Agenda

After further discussion, Pavich moved that OSHA rules as they pertain to construction be placed on the June ARRC Agenda for special review. Motion carried.

10.20; 26.1

No comments or recommendations on ARCs 2832A and 2933A.

EPC

The Environmental Protection Commission was represented by Michael Murphy, David Wornson, Peter Hamlin, Paul Nelson, Victor Kennedy, Julie Kjolhede and Ralph Turkle. The following agenda was before the Committee:

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Water quality standards, 61.2(5), 61.3(5)"e,"	Filed ARC 2880A	3/18/92
Solid waste comprehensive plans — submittal schedule, soil borings at sanitary landfill site,		
101.5, 101.5(5)"b"(7)"3," 101.5(7), 110.3(1)"d,"	Notice ARC 2877A	3/18/92
Registration of groundwater professionals, ch 134,	Filed ARC 2879A	3/18/92
Technical standards and corrective action requirements for owners and operators of underground storage tanks, 135.2, 135.3(1)"e," 135.3(2)"a," 135.6(1) to 135.6(3), 135.7(2), 135.7(3)"a"(5), 135.7(5) to 135.7(10), 135.8 to 135.10, 135.9(3)"a," 135.10(3), 135.10(4), and coordinating amendments to 135.1,		
135.3 to 135.7, 135.9,	Filed Emergency After Notice ARC 2859A	3/18/92
Financial responsibility for underground storage tanks, 136.2(4), 136.2(5),	Filed ARC 2878A	3/18/92
Water quality standards — Big Creek, Henry County, 61.3(5)"e,"	Notice ARC 2918A	4/1/92

- Chs 61, 101, 110 There were no questions or comments on ARC 2880A or 2877A.
- Ch 134 Wornson gave a brief overview of new Chapter 134. It was noted that provision in 134.2(2)"d" was quoted from the statute with respect to requirements for groundwater professionals.
- Ch 135 In discussing amendments to Chapter 135, Wornson advised Priebe that a coordinating committee of DNR staff and UST Fund staff developed the criteria over the past eight months.
- 136.2 Regarding financial responsibility for underground storage tanks, Wornson clarified that the statute requires DNR to establish standards for meeting financial responsibility requirements. He emphasized that there was little duplication between DNR and the UST Fund Board. Priebe asked about involvement of local governments (136.2(5) and Wornson stated that local government entities were treated separately. This subrule reflects the federal regulation.
- 61.3(5) Turkle advised that amendment to 61.3(5)"e" was in response to a petition from the city of Mt. Pleasant requesting that the "A" classification for a portion of Big Creek in Henry County be removed. Discussion followed on "A" and "B" classifications for other streams in Iowa.
- NAT. RESOURCE COMMISSION Steve Derman, Richard Bishop, Nancy Exline and Victor Kennedy presented the following agenda:

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

- Volunteer hunter education instructor certification, 15.8, Notice ARC 2843A 3/4/92
- Waterfowl and coot hunting seasons, 91.1 to 91.3, 91.4(2)"m," Notice ARC 2841A 3/4/92
- Nonresident deer hunting, 94.1, 94.2, 94.8, Notice ARC 2842A 3/4/92
- Pheasant, quail and gray (Hungarian) partridge hunting seasons, 96.1(1), 96.2, 96.3, Notice ARC 2848A .. 3/4/92
- Common snipe, Virginia rail and sora, woodcock and ruffed grouse hunting seasons, 97.1 to 97.4,
Notice ARC 2847A 3/4/92
- Wild turkey fall hunting, 99.1, 99.3(1), 99.4, 99.5, Notice ARC 2846A 3/4/92
- Deer hunting regulations, 106.1, 106.2, 106.5(1), 106.5(2)"i," 106.5(3), 106.6(1) to 106.6(3), 106.7(1),
 106.8(2), 106.8(3), 106.10, Notice ARC 2845A 3/4/92
- Rabbit and squirrel hunting, 107.1 to 107.3, Notice ARC 2844A 3/4/92
- Mink, muskrat, raccoon, badger, opossum, weasel, striped skunk, fox (red and gray), beaver, coyote,
 otter and spotted skunk seasons, 108.1, 108.1(2), 108.2 to 108.5, Notice ARC 2840A 3/4/92
- Boating speed and distance zoning — Harpers Slough, 40.27(1), Notice ARC 2917A 4/1/92
- State parks and recreation areas — Backbone and Wilson Island cabin rental, 61.2, 61.3(5)"a," 61.4(1)"a,"
 61.4(2)"a," "f," "h" to "j," "n" to "p," 61.4(3), 61.5(8)"a" and "d," Notice ARC 2915A 4/1/92
- State parks and recreation areas — control of pets and equine animals, 61.5(7)"d," 61.6(4),
Filed ARC 2916A 4/1/92

- 15.8 In review of new rule 15.8, Schrader suggested that paragraph "i" be deleted from subrule 15.8(6). It was his opinion that this particular ground for revocation of instructors' certification was addressed elsewhere. The paragraph provides: "In any manner brings reproach or discredit to the department or the hunter education and ethics program."

Tieden asked for clarification in 15.8(5)"j" and "k" and Derman responded that a course is usually taught by a team and instructors would not have to be present for the entire time.

NAT. RESOURCE
COMM. (cont'd)
Ch 91

Bishop gave an overview of Chapter 91, Waterfowl and Coot Hunting Seasons. Kibbie recalled that county recorders favored uniform seasons. Bishop cited factors which would make that impossible, e.g., the Commission does not know results of the "Annual Fly Away" regarding waterfowl regulation until late July. Recommendations are then made to the Department of Interior and length of season is not determined until late August.

Ch 94

ARC 2842A, amendments to Chapter 94, nonresident deer hunting, were explained by Bishop.

Ch 96

Chapter 96, pheasant, quail and gray partridge hunting seasons were addressed and Priebe and Tieden commented on the lack of pheasants in their areas.

Ch 97

No questions or recommendations on ARC 2847A.

Ch 99

Chapter 99, Wild Turkey Fall Hunting, was discussed. Priebe had heard that the coyotes were responsible for reduction in the wild turkey population. Bishop also cited weather conditions as another contributing factor.

Ch 106

Bishop explained amendments to Chapter 106 governing deer hunting. Priebe expounded on the large deer population and complaints from constituents regarding this problem. However, Bishop had heard from some farmers who contended that deer herds on their farms were inadequate to allow hunting. Hedge welcomed deer hunters on his property but noted they were only interested in the bucks. Bishop spoke of the antlerless only permit option in southern Iowa. Anyone in the state can buy a second permit but it must be utilized in the southern part of the state.

Bishop explained to Schrader that intent of rule 106.10 – youth deer hunting – was an attempt to get young people out for needed instruction and attention when there is less crowding and milder weather. Derrand noted that he took his 11-year-old daughter hunting during the regular season last December when the weather was mild.

Teaford had received opposition to this rule from a constituent who suspected it would be abused by the adults who would actually shoot the deer. Bishop did not foresee problems. Schrader indicated support on regulation for "pockets" of deer.

Chs 107; 108; 40.27 No questions on ARC 2840A, 2844A or 2917A.

Ch 61

Exline briefed the Committee on ARC 2915A, amendments to Chapter 61 regarding cabin rental. No questions.

61.5, 61.6

Amendments to rules 61.5 and 61.6 regarding control of pets and equine animals were reviewed. Exline explained "voice control" of pets. Priebe also inquired about overflow problems and Exline replied that the designated capacity of the campground and overflow areas have not been exceeded.

Exline advised Maulsby that the rules will not permit horses to be hitched outside their trailers because of the impact on the environment.

NURSING

M. Christine Newell and Lorinda Inman, Executive Secretary, represented the Board of Nursing for the following agenda:

NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Continuing education, 5.1, 5.2(2)"f" and "g," 5.3(2)"d"(8) and (9), Notice ARC 2856A, alsoFiled Emergency ARC 2855A 3/18/92Advanced registered nurse practitioners, 7.1, Notice ARC 2853A, also Filed Emergency ARC 2854A . 3/18/92

Nursing education — qualifications for heads of programs and faculty, elimination of consultant

requirement, 2.3(2)"d"(1), 2.3(2)"d"(2), 2.3(2)"g," 2.3(2)"g"(1) and (2), 2.6(1), 2.6(2)"c,"

2.6(2)"d"(1), Notice ARC 2891A 4/1/92**Ch 5**

There were no questions on amendments to continuing education requirements.

7.1

Amendments to Chapter 7, Advanced Registered Nurse Practitioners, were addressed. Tieden questioned why guidelines for these practitioners were not as extensive as those relative to physicians' assistants. Royce viewed these rules as providing good introduction to the program but he saw the need for standards on scope of prescriptive authority since it involves six different professions. Inman responded that these professions define their specialties by rule. According to Inman, suggestions had been received from the Board of Medical Examiners and they will be considered.

Ch 2

No comments or questions on amendments to Chapter 2, Nursing Education Programs, in ARC 2891A.

PUBLIC HEALTH

Present from the Department were Carolyn Adams, Carolyn Caquelin, Carolyn Jacobson, Gary Ireland, Don Flater and Marjorie Bledsoe. The following agenda was presented:

PUBLIC HEALTH DEPARTMENT[641]Emergency medical board, ch 84 title, 84.1 to 84.8, Notice ARC 2868A 3/18/92Lead exposure, 1.2(1)"e," 3.5, 3.5(1)"a," Notice ARC 2922A 4/1/92

Financial assistance to eligible HIV infected patients, 11.1 to 11.4, 11.6, 11.7(5) to 11.7(7),

11.9(6) to 11.9(8), 11.10(3), 11.10(11), 11.12 Appendix 1, Filed Emergency ARC 2893A 4/1/92Emergency care providers exposed to contagious or infectious diseases, 11.45 to 11.53, Filed ARC 2925A 4/1/92Radiation equipment — users, 38.13(5), 38.13(6)"c," 42.1, Notice ARC 2923A 4/1/92Nuclear medicine technologist, 42.2, Notice ARC 2924A 4/1/92Radiation therapist, 42.3, Notice ARC 2920A 4/1/92Radon testing and analysis, 43.3(3)"b"(1), Notice ARC 2921A 4/1/92

Emergency information system on pesticides for use by health care providers during medical emergencies,

ch 71, Filed Emergency After Notice ARC 2894A 4/1/92WIC program — health services application form, 73.6, 73.10(2), Filed ARC 2927A 4/1/92

WIC program — schedule of violations, 73.7(4)"e"(4) and (8), 73.18(1), 73.18(2)"a"(1), 73.18(2)"b" "2,"

Filed ARC 2928A 4/1/92Maternal and child health, 76.2, 76.6(4), 76.7, Filed ARC 2926A 4/1/92

Financial assistance to eligible end-stage renal disease patients, ch 111 Appendix 1,

Filed Emergency ARC 2892A 4/1/92

Training and certification of and services performed by advanced emergency medical technicians and

paramedics, ch 132 title, 132.1, 132.3(1)"e," 132.4(4)"b," 132.4(5)"h," 132.4(9)"c," 132.4(10), 132.5(5)"a,"

132.5(11)"h," 132.9(6)"b"(1), 132.15, Filed ARC 2929A 4/1/92Criteria for awards or grants, ch 176, Filed ARC 2930A 4/1/92**Ch 84**

Adams explained amendments to Chapter 84 and Priebe questioned the use of the word "substitute" for "emergency" in changing the name of the Board. He wanted to avoid a connotation of "second best."

Tieden inquired why the composition of the Board was changed. Adams responded that the purpose for this change was to ensure adequate staffing of review panels that might be involved such as social workers or psychologists.

Royce was asked to research if the statute directed changing the Council on Human Services to the State Board of Health in 84.1, second unnumbered paragraph. [The Department had followed the law.]

Adams said no comments had been received in writing or at the public hearing on these proposed rules. She would advise Dr. Eckoff of Priebe's opposition to use of "substitute."

1.2 et al.

No questions on ARC 2922A.

Ch 11

There was review of amendments to Chapter 11. Adams informed Priebe that financial assistance for the program was all federal funds. Caquelin explained the HIV Drug Reimbursement Chart in 11.12. She said that allotments are made on a per-state basis, not per patient. Without restrictions, funds would last approximately six months. The program is continuing to grow—45 active cases currently.

Chs 11; 38; 42.2

No recommendations for ARC 2925A, 2923A or 2924A.

42.3

Flater informed the ARRC that 42.3(5)"b," regarding examination, would be modified because of responses from doctors.

43.3(3)

In review of amendments to 43.3(3), Tieden asked if there were any proven cases of deaths caused by radon. Flater was aware of two deaths from lung cancer in northern Italy which were attributed to radon. Tieden commented on possible overreaction.

There were no comments or recommendations on the remainder of the Health agenda.

Flater announced to the Committee that all of the radiation rules were being rewritten for submission to the Board of Health on May 8. The rules have been revised three times since 1979. There was discussion of publication costs for the massive document estimated to be 600 to 700 pages.

Minutes

Pavich made a motion to approve the minutes of the ARRC meeting held March 9, 1992. Motion carried.

LOTTERY
Ch 15

Nicki Schissel and Steven King were present to explain new Chapter 15, Powerball Lottery Game, filed as ARC 2825A in IAB 3/4/92. Schissel indicated to Tieden that this new game could generate more participation than Iowa Lotto.

Meetings

After discussing the statutory dates for the next meeting, Chairman Priebe announced that it would be held on Wednesday and Thursday, May 13 and 14, 1992. The June meeting will be held on June 9 and 10.

ECONOMIC
DEVELOPMENT

The Department was represented by Melanie Johnson, Gleen Coates, Lane Palmer, Muhammad Abdullah and Dianne Dillon Ridgley for the following agenda:

ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Work force investment program, 18.3(1) to 18.3(4), 18.3(5)"c" and "d," 18.3(6), 18.5, 18.6(3), 18.8,
Notice ARC 2861A 3/18/92
 Community development block grant nonentitlement program, 23.6(3), Notice ARC 2864A 3/18/92
 Emergency shelter grants program, 24.3, 24.7, Filed Emergency ARC 2865A 3/18/92
 HOMB investment partnership program, ch 25, Notice ARC 2866A 3/18/92
 Iowa targeted small business procurement program, 54.1 to 54.3, 54.5, 54.10, 54.12(3), 54.14, 54.15,
Notice ARC 2863A 3/18/92

Coates briefed the Committee on amendments to Chapter 18, Work Force Investment Program. Kibbie inquired why the cost of administration in 18.6(3) was more the first year and Coates cited start-up costs for projects.

23.6; 24.3, 24.7 There were no questions or recommendations in ARC 2864A or 2865A.

Ch 25 Palmer explained the new HOME Investment Partnership Program in Chapter 25. HUD dollars will provide affordable group homes.

Metcalf was interested in any significant state additions to these federal rules. Palmer said the major area of discretion was in the application process. They have prepared a rating system and set criteria which must be met—25.10.

Ch 54 Abdullah presented amendments to Chapter 54 relating to targeted small businesses. Kibbie questioned the August 15 deadline in 54.3(2) for anticipated purchases and wondered if this might be difficult for some community colleges and area schools to meet. Abdullah responded that anticipated purchases would be based on the budget.

Tieden inquired about the bidding process and Abdullah stated there was not a bid preference but the low bid would be taken.

Metcalf interjected that a House bill proposed to apply sanctions already imposed on agencies to this group of educational institutions. Abdullah noted that this bill originated from the Department of Mangement and DED was not included.

Kibbie expressed concern as to the cost to school districts, community colleges, etc. for the Targeted Small Business Directory. Abdullah pointed out that \$50 per year would include the updates on a quarterly basis.

Roger Maxwell from the Board of Regents expressed concerns regarding 54.5(2), good faith efforts. He felt this language would relate more to construction rather than to vendors and suppliers. Abdullah said they would take these comments under advisement.

Schrader called attention to the veto of ARRC-sponsored Senate File 2013 on April 9. The Governor contended that adequate safeguards exist in current law to prevent agencies from abusing emergency adoption procedure. Schrader cautioned that the Committee should ensure that agencies comply.

Priebe requested that some Noticed rules which appeared under the "No Representation Requested" category be carried over to the May meeting.

NO REPS

No agency representative requested to appear for the following:

ADMINISTRATIVE RULES REVIEW COMMITTEE	
Rules of procedure — objections, 1.2(1), <u>Notice</u> ARC 2885A	3/18/92
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]	
Registration of Iowa-foaled horses and Iowa-whelped dogs, 62.10(2), 62.15(3)"b," 62.16(4), 62.20(2), 62.25(3)"b," 62.26(4), 62.30(2), 62.35(3)"b," 62.36(4), 62.41(2), <u>Filed</u> ARC 2883A	3/18/92
Dairy, standards for dairy products — federal regulations governing Grade A and Grade B milk inspections, 68.11(1), 68.12 TO 68.15, 68.26, 71.1, <u>Filed</u> ARC 2820A	3/4/92
Standards for light butter, 71.6, <u>Notice</u> ARC 2884A	3/18/92
COMMUNITY ACTION AGENCIES DIVISION[427]	
HUMAN RIGHTS DEPARTMENT[421]"umbrella"	
Emergency community services homeless grant program, 23.3(1), 23.3(2) to 23.3(4), 23.5(5)"a" and "b," 23.7(1), <u>Filed</u> ARC 2890A	4/1/92
CORRECTIONS DEPARTMENT[201]	
Jail facilities, 50.1, 50.8(3), 50.8(8), 50.8(10), 50.9(12), 50.11(1)"d" and "e," 50.11(3), 50.13(2)"c"(3), 50.15(2), 50.15(6)"c," 50.15(8), 50.20, <u>Notice</u> ARC 2882A	3/18/92
OWI programs, 47.1 to 47.4, <u>Notice</u> ARC 2934A	4/1/92
CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION[428]	
HUMAN RIGHTS DEPARTMENT[421]"umbrella"	
Juvenile justice advisory council, ch 3, <u>Filed</u> ARC 2818A	3/4/92
EDUCATION DEPARTMENT[281]	
Pupil transportation, 43.21, 43.22, 43.24, <u>Notice</u> ARC 2851A	3/4/92
Community colleges — program and administrative sharing initiative, 21.64 to 21.71, <u>Filed</u> ARC 2914A	4/1/92
ELDER AFFAIRS DEPARTMENT[321]	
Older Americans Act — Title III-G funds for elder abuse, 1.7, 6.4(2)"x," 6.8"21," 6.10(1), 7.7, <u>Notice</u> ARC 2887A	4/1/92
EMPLOYMENT SERVICES DEPARTMENT[341]	
Administration, amendments to ch 1, <u>Notice</u> ARC 2838A	3/4/92
INSPECTIONS AND APPEALS DEPARTMENT[481]	
Food and food service establishment inspections — temperature of seafood, requirements for toilets, lavatories, mobile food units and pushcarts, 31.4, 31.9, 32.3(4), 32.3(6), 32.4, <u>Notice</u> ARC 2858A	3/18/92
Consent for the sale of goods and services, ch 7, <u>Notice</u> ARC 2900A	4/1/92
Psychiatric services, domestic abuse, child and dependent adult abuse, 51.33, 51.37, 51.38, <u>Filed</u> ARC 2899A	4/1/92
Care facilities, 57.5(5), 57.14(7), 57.39(4), 58.4(6), 58.13(7), 58.43(9), 59.4(6), 59.9, 59.15(7), 59.48(9), 60.3(2)"f," 60.11(3)"e," 61.3(1)"e," 61.11(3)"c," 62.5(6), 62.17(2)"j," 62.23(23), 62.23(24), 63.4(5), 63.37(4), 64.4(5), 64.33, 65.5(4), 65.19(4), 65.25(3), 65.25(4), 65.29, <u>Filed</u> ARC 2898A	4/1/92

NO REPS (cont'd)

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Regulation of securities offerings and those who engage in the securities business, 50.15, 50.36, 50.47, 50.48, 50.50, 50.54, Filed ARC 2876A 3/18/92

Brokerage services by national and state banks, credit unions, savings banks and savings and loan institutions; broker-dealers having contracts with national and state banks, credit unions, savings banks and savings institutions, 50.81 to 50.84, Filed ARC 2850A 3/4/92

Filing requirements for agricultural cooperative associations, 50.85, Filed ARC 2875A 3/18/92

Medicare supplement insurance — protection and advocacy through community training(PACT), 37.18(1)"f," Notice ARC 2902A 4/1/92

JOB SERVICE DIVISION[345]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Administration, amendments to ch 1, Notice ARC 2839A 3/4/92

LAW ENFORCEMENT ACADEMY[501]

Jailer training, 9.1(2), Filed ARC 2862A 3/18/92

PERSONNEL DEPARTMENT[581]

Conduct of employees — selling of goods or services, 18.2, Filed ARC 2896A 4/1/92

PHARMACY EXAMINERS BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Label information, patient counseling, 8.3(1)"d," 8.16(3) Filed ARC 2901A 4/1/92

Pharmacist employment, 8.5(2), Notice ARC 2905A 4/1/92

Controlled substances — registration, 10.3, 10.3(2), 10.3(8), 10.3(9), Notice ARC 2906A 4/1/92

Controlled substances — sample distribution, 10.15, Filed ARC 2903A 4/1/92

Nonresident pharmacy licenses, ch 19, Filed ARC 2904A 4/1/92

Agency procedure for rule making, ch 28, Notice ARC 2907A 4/1/92

PREVENTION OF DISABILITIES POLICY COUNCIL[597]

Organization and operations, 2.3(1), Filed Without Notice ARC 2860A 3/18/92

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Board of dietetic examiners, 80.3(4), 80.3(5), 80.4(1)"c," 80.4(2), 80.4(3), 80.5(5), 80.100(7), 80.100(8), Notice ARC 2828A 3/4/92

Funeral directors, board of mortuary science, 100.5(2), 100.5(4), 100.5(7), 101.98(11), Notice ARC 2835A 3/4/92

Hearing aid dealers examiners, uniform rules, 120.1, 120.1(3), 120.5(4), 120.7 to 120.13, 120.200, 120.204, 120.212, chs 121 to 123, Notice ARC 2833A 3/4/92

Licensure of nursing home administrators, 141.5(1), Filed ARC 2829A 3/4/92

Cosmetology, chs 60 to 68, Notice ARC 2911A 4/1/92

Podiatry residency, 220.1(2)"d" to "e," 220.1(4), 220.4(3) and (4), Filed ARC 2919A 4/1/92

RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

Gaming, riverboat operation — embarkation and disembarkation periods, 4.27(2), 4.27(3)"a," 25.13(1), 25.13(2), Filed ARC 2824A 3/4/92

Occupational licenses, labor organization registration, 22.10(5), 22.33, Filed ARC 2823A 3/4/92

REVENUE AND FINANCE DEPARTMENT[701]

Withholding, 46.1(2), Notice ARC 2834A, also Filed Emergency ARC 2849A 3/4/92

Taxable and exempt sales — computer equipment, 18.34(1), 18.34(2)"c" and "j," 18.45(1), Filed ARC 2913A 4/1/92

Real estate transfer tax and declarations of value, 79.2(7), Filed ARC 2912A 4/1/92

NO REPS (cont'd)

(SECRETARY OF STATE[721])

Proposed constitutional amendment, 21.1(4), Notice ARC 2852A 3/18/92
 Alternative voting systems, 22.53, 22.53(1)"g" and "h," 22.53(2)"a," "b," "d," "e," "g," and "h,"
 22.53(5)"b" and "d," 22.53(8), Notice ARC 2886A 4/1/92

SUBSTANCE ABUSE COMMISSION[643]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Consent for the sale of goods and services, ch 7, Filed ARC 2857A 3/18/92

TRANSPORTATION DEPARTMENT[761]

Consent for the sale of goods and services, ch 26, Notice ARC 2889A 4/1/92
 Utility accommodation, ch 115, Filed ARC 2895A 4/1/92

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Filing requirements, 7.2(6), 7.2(12), 7.4(6)"e"(1), 7.4(6)"e"(2), 7.4(6)"e"(23), 7.4(6)"f," 7.4(11), 7.7(9),
Notice ARC 2881A 3/18/92

Adjournment

Chairman Priebe adjourned the meeting at 10:30 a.m. The next meeting was scheduled for Wednesday and Thursday, May 13 and 14, 1992 at 10 a.m.

Respectfully submitted,

Phyllis Barry, Secretary
 Assisted by Mary Ann Scott

APPROVED:

Bea E. Priebe