

MINUTES OF THE SPECIAL MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting The special meeting of the Administrative Rules Review Committee was held Monday, March 13, 1989, Committee Room 22, State Capitol, Des Moines, Iowa. This meeting was held in lieu of the statutory date of March 14, 1989.

Members Present Senator Berl E. Priebe, Chairman; Emil S. Pavich, Vice Chairman; Senators Donald V. Doyle and Dale L. Tieden; Representatives David Schrader and Betty Jean Clark. Staff present: Joseph A. Royce, Counsel; Phyllis Barry, Administrative Code Editor; Vivian Haag, Executive Secretary. Also present: Barbara Brooker Burnett, Governor's Administrative Rules Coordinator.

Convened Chairman Priebe convened the meeting at 8:05 a.m. in Committee Room 22, State Capitol, Des Moines, Iowa.

EDUCATION Present for the following Education Department agenda
DEPARTMENT were Kathy Collins, John Hartwig, Terry Voy and Tom Horn:

Area vocational schools and community colleges—reporting contact hours, 21.45(2) ARC 9644 .. *N*..... 2/8/89
Extracurricular interscholastic competition, 36.15(6)"f" ARC 9645 .. *N*..... 2/8/89
School buses, 44.2(5)"g"(1), 44.3(3)"c"(2), 44.3(7)"d"(1), 44.3(46)"d," ARC 9634, also filed emergency ARC 9635 *N+FE*.. 2/8/89

36.15 No questions re amendment to 21.45(2). According to Collins, the Department had been petitioned by Metro Conference to change the transfer rule to reflect the status of school communities in the state. Rescission of 36.15(6)f will remove the opportunity to transfer to public schools from private, and vice versa, without loss of eligibility.

Clark wondered if the change would "dovetail with open enrollment legislation enacted last week." Collins responded that it should mirror the legislation. General discussion. Collins assured Priebe that Code section 280.13 allows the Education Department to adopt rules for smooth operation of state athletic programs. Collins commented that accredited private schools are subject to state standards. Under the proposed rules, nonaccredited schools may compete under certain conditions. Collins conceded that amendment might be necessary to coincide with open enrollment legislation.

Clark voiced her concern with the differing approach to athletics and academics. Priebe suspected that a student who performed well scholastically would also do well athletically.

Ch 44 Voy presented amendments to Chapter 44 relating to construction standards for school buses. The fact that Iowa is one of few states with 10-inch windows was mentioned--not wanting to restrict students' egress, that restriction is being removed. Tieden was advised that the vehicle size meets federal standards. There was discussion of the National Minimum Construction Standards Conference

EDUCATION
DEPARTMENT
(Continued)

comprised of seven delegates from each state who recommended standards for school buses. Most states adopt these standards in whole or in part. Horn indicated the federal standards of 17 years clearly stipulate what can be printed on buses and most states have followed those guidelines. He continued that everyone wants to decorate a school bus, but buses are designed to transport "kids," and that bus should be readily recognizable. This is not possible if logos, etc. are permitted. Discussion of pending legislation.

ECONOMIC
DEVELOP-
MENT

Duane W. Leitch, Kathleen Bury, Melanie Johnson, Jude Conway and Mike Miller were present on behalf of the Department to review:

Community economic betterment program, ch 22, filed emergency after notice ARC 9681	FEAN	2/22/89
Ambassador's program, 57.1 to 57.3 ARC 9655	F	2/8/89
Iowa export trade assistance program, ch 61 ARC 9657	F	2/8/89
Youth affairs, 14.3(7)"b," 14.3(8)"a" and "b," 14.4(1), 14.4(4) ARC 9656	N	2/8/89
Rural development projects, ch 66, ARC 9658, also filed emergency ARC 9659	N & FE	2/8/89

Ch 22

In re Chapter 22, Clark was assured that ARRC had been advised of all changes. In review of 57.1 to 57.3, Tieden recalled that during last year's appropriations process, there had been some turmoil over the Ambassador's Program and he wondered about the success of the program this year. Although Johnson does not work with the Ambassadors, she had been informed that things were going well and she agreed to provide a list of funded projects.

Ch 61

Priebe expressed dissatisfaction with the Export Trade Assistance Program providing financial assistance to businesses for participation in trade shows up to \$15,000 during a fiscal year. According to Johnson, per diem is limited and tied to the U.S. Department of State--61.4(1)g.

Motion

Priebe opposed 61.4(1) contending that it would provide free trips to foreign countries. In his opinion, this was not legislative intent. Clark and Schrader agreed with Priebe's assessment. Schrader had problems with 261--61.3, which addressed eligibility for assistance. General discussion after which Clark moved that ARRC request the appropriate Legislative Committees to review the legislation for possible change. The Clark motion carried.

Leitch briefed ARRC on amendments to Chapter 14 most of which had been suggested by contractors working with the Youth Affairs Program. The age range will be expanded to 21 to permit older, mentally handicapped students to participate.

Ch 66

Priebe challenged the emergency filing of Chapter 66 since enabling legislation was enacted in 1987. Bury commented that she was hired in April 1987 and spent several months studying trends in other states so that workable rules could be developed for an Iowa program. Lottery funds of \$95,000 are available for a program so the rules were filed as emergency."

ECONOMIC
DEVELOP-
MENT

(Continued)

Discussion of proposed legislation to tighten emergency rule-making authority of agencies and a suggestion by the Attorney General that the ARRC exercise its existing power to object to emergency filed rules.

Schrader referred to the preamble of Chapter 66 and found it ironic that two years after the legislation, the Department reasoned that the program was "in the interest of the public and in furtherance of legislative intent that the program funds be made available without delay." He was concerned about lack of public opportunity to respond.

Motion to
Refer

Pavich moved that the matter be referred to the legislature. Motion carried.

Johnson pointed out that the rules were also Noticed and recommendations at the hearing will be considered. Clark was informed that the word "initiatives" would be substituted for "purpose" in 66.6(1)a.

ENVIRON-
MENTAL
PROTECTION
COMMISSION

The agenda follows:

NATURAL RESOURCES DEPARTMENT 16011 "umbrella"
Technical standards and corrective action requirements for owners and operators of underground storage tanks;
financial responsibility for underground storage tanks, 135.3(3)"d"(3), ch 136 ARC 9685 2/22/89
Location and construction of hazardous waste treatment, storage and disposal facilities, 150.3(3)"b," 150.6, 150.7,
150.7(1), 150.10, 150.11, filed emergency ARC 9673 ... ~~FE~~ 2/22/89

Mark Landa and Keith Bridson were present for EPC and Landa advised that recent rules were being upgraded to meet federal requirements.

135.3,
Ch 136

Discussion of pending legislation relative to underground storage tanks and the importance of inclusion of appropriate language to ensure that Iowa law is compatible with federal guidelines. Landa indicated that someone from the Department was monitoring this issue. Clark found use of "guidelines and requirements" to be confusing. Landa responded that the state will have some discretionary authority but the Legislature has required adoption of the federal rules.

Clark was concerned about the impact of the rules on small service station owners. Landa referred to rule 136.4 for amount and scope of responsibility.

Bridson called attention to the definition of "bodily injury" which excludes certain liabilities. Landa added that mechanisms exist for meeting the financial responsibility. Clark recommended deletion of excess verbiage and legalese wherever possible throughout the rules. Bridson informed Schrader that the basic program was similar to the one which has been in effect since 1980. Tieden observed that reference to bankruptcy proceedings was limited to title II of the U.S. Code and wondered if other titles should be included.

Ch 150

There were no questions on amendments to Chapter 150.

NATURAL
RESOURCE
COMMISSION

Rick McGeough, Enforcement Bureau Chief, presented comments with respect to Chapter 111 pertaining to scientific collecting and wildlife rehabilitation of various species protected by the state. The rules were published under Notice as ARC 9686 in 2/22/89 IAB and they define types of permits which will be required.

McGeough anticipated that the program would increase participation from the private sector and schools.

Tieden commented on the tremendous job being done in the volunteer rehabilitation program. McGeough advised Pavich that the Department or local conservation officer could be contacted for names of individuals involved in wildlife rehabilitation. No Committee action.

PUBLIC
HEALTH
DEPARTMENT

Representatives present were: Mike Guely, Don Kerns, Susan Osmann, Kenneth Choquette, Carol J. Barnhill, and Carolyn Adams. The agenda follows:

Immunization of persons attending elementary or secondary schools or licensed child-care centers, 7.1, 7.3, 7.3(1), 7.4(2)"b," 7.4(3)"b," 7.4(4)"b," 7.5(1), 7.5(2), 7.6(1), 7.6(3), 7.7(1), 7.9 ARC 9626 ... <i>FE</i>	2/8/89
State plumbing code, ch 25 ARC 9643 ... <i>FE</i>	2/8/89
Acquired immune deficiency syndrome (AIDS), 11.1, 11.2, 11.4(1), 11.4(4), 11.4(6), 11.5(4), 11.6, 11.7(5) to 11.7(7), 11.8(1), 11.9(1) to 11.9(3), 11.9(6), 11.10(2), 11.10(3), 11.10(6) to 11.10(8), 11.10(11), 11.12, <u>filed emergency</u> ARC 9627 ... <i>FE</i>	2/8/89
Economic impact statement, residential water treatment, ch 14 (ARC 9458, IAB 11/16/88) ... <i>N</i>	2/8/89
Training and certification of and services performed by advanced emergency medical technicians and paramedics, 132.4, ARC 9679, also <u>filed emergency</u> ARC 9678 ... <i>N, FE, FE</i>	2/22/89

There were no recommendations for amendments to Chapter 7.

Ch 25

Kerns indicated that Chapter 25 would update the state plumbing code to reflect the 1988 revision of the National Plumbing Code. Responding to Tieden, Kerns said that plumbers concur that the water closet branch should be vented separately because of the volume of water involved [Section 502(c)].

Discussion of the fact that statutory authority for the plumbing code is under the Health Department and other building codes are under Public Safety. Department officials explained that funding for antiviral HIV medications program had been extended by the federal government through September 30, 1989. Chapter 11 was broadened to cover more individuals.

Priebe called attention to the definition of "gross income"... "but is not limited to:" which, in his opinion, was quite broad, e. g., he preferred that the recipient of a large inheritance would not be considered for this program. Guely said "approved" period of eligibility would be no more than 12 months.

On behalf of Representative Clark, who was out of the meeting temporarily, Royce raised question regarding the definition of "homestead," which provided "...It shall include a garage, if applicable,..." Clark had asked that "if applicable" be stricken in a subsequent filing. Schrader noted the absence of any net worth provision in the rules and wondered if assistance would be based solely on income.

PUBLIC
HEALTH
DEPARTMENT
Continued

Guely pointed out that detailed rules on methods for determining eligibility were included in existing 641-- Chapter 11. Pavich in the Chair.

Economic
Impact
Statement
Ch 14

Choquette appeared on behalf of the Department for consideration of the Economic Impact Statement. He reviewed the Statement which had been prepared for Chapter 14. As requested by the ARRC, the Statement contains information on availability and estimated costs for third party testing of residential water treatment systems. Nine private for profit laboratories had been contacted, in and out of state, and half were not interested at this time. The others saw no problems in meeting the testing requirements. Choquette referenced the table pertaining to estimated costs for testing and stated that certification and range were based on the scenario which Choquette had presented to the labs.

Tieden asked about the success of carbon filters. Choquette thought that by using the right principle, they would be effective. He continued that a carbon filter may be advertised to be a bacteriostat--to remove bacteria. With proper maintenance and daily checking, it could be successful. Choquette added that, many times, the well construction needs correction to eliminate bacteria problems and a homeowner could be misled into believing that a filter device was adequate.

Three university laboratories had been contacted with two indicating that six months would be needed to provide testing and certification. Costs would not differ from the for-profit labs. In conclusion, Choquette discussed costs of quality control auditing of laboratories. No Committee action.

132.4
Medical
Examiners

Kerns presented overview of 132.4, which was a joint rule of Public Health Department and the Board of Medical Examiners. Also present was Cheryl Brinkman, Board of Medical Examiners. Kerns indicated that the rule would be administered by the Public Health Department.

Brief discussion of the two-year renewal for certificate of advanced EMTs to provide uniformity--132.4(7). Kerns pointed out that a 28E Agreement between Public Health and the Board of Medical Examiners has been very successful. Tieden expressed concern that the restrictions would result in loss of EMTs in rural areas but Kerns could foresee no problem.

Guely interjected that the advanced care personnel would remain under the authority of the Board.

Profes-
sional
Licensure

Barnhill explained the following:

PUBLIC HEALTH DEPARTMENT (41) "umbrella"
Speech pathology and audiology examiners, 300.3, 300.3(1), 301.9(2)"b" ARRC 9629 .../V..... 2/8/89

The amendments to Chapter 300 include definition of "supervision" and clarification of continuing education

Profes-
sional
Licensure
Continued

requirement for license reinstatement. Barnhill advised that the last sentence of 300.3(1) would be deleted as a result of public comment. The sentence stated, "Direct supervision does not mandate the presence of the physician at the side of the person performing the test."

HUMAN
SERVICES
DEPARTMENT

The Department was represented by Mary Ann Walker, Jan Clausen, Vivian Thompson, Paul L. Meisel, Suzanne Boyde and William Turner for review of:

Recompment, 46.1, 46.4(3)"b," 46.5, 46.5(3), 46.5(4)"a," 46.7 ARC 9630 ... F	2/8/89
Departmental organization and procedures, developmental disabilities basic grant program, 1.7, amendments to ch 38 ARC 9667 ... N	2/8/89
Statement of citizenship status, qualified pregnant women, 41.3(4), 65.2, 75.1(14), 75.1(26), 75.1(2), 75.1(4) ARC 9690 ... N	2/22/89
Interim assistance reimbursement, 57.1, 57.2(1), ARC 9631, also filed emergency ARC 9632 ... N & F	2/3/89
Commodity distributions programs, ch 73 title, preamble, 73.1, 73.1(3)"f"(12), 73.6(1), 73.13, 73.13(2), 73.13(4)"d," 73.13(5), 73.13(6), 73.15, 73.21 to 73.30, amend and transfer 74.1 to 74.22 to 73.41 to 73.62 ARC 9692 ... N	2/22/89
Managed health care providers, 76.6(2), amendments to ch 88 ARC 9693 ... N	2/22/89
Amount, duration and scope of medical and remedial services; intermediate care facilities, 78.12, 81.3 ARC 9691 ... N	2/22/89
Amount, duration and scope of medical and remedial services—eating disorders, pulmonary rehabilitation, 78.31(4)"b"(4), 78.31(4)"g"(7) ARC 9666 ... N	2/8/89
Service management and service implementation activities, 130.2(4), 130.6, 130.6(2), 130.6(3), 130.7, 130.7(3), ch 131 title, 131.1 to 131.4, 182.1, 182.5, 182.5(1)"c," 182.6(4) to 182.6(6), 182.6, 182.8(4), 182.9(1), 182.10, 182.11, 183.1, 183.5, 183.5(1), 183.5(2), 202.2(6), 202.6(6), 202.15(1), 202.15(3), 206.2(2), 206.4(2), 206.4(4), 206.4(6), 207.1, 207.3(1) ARC 9663 ... N	2/8/89

Ch 46 According to Walker, no changes had been made to amendments to Chapter 46 following the Notice. No questions.

Chs 1 & 38 Walker explained that amendments to Chapters 1 and 38 reflect changes in organization responsibilities and membership of the Governor's Planning Council for developmental disabilities and clarify the project award process.

It was noted that terms for Council members were staggered and Tieden wondered if that information should be included in the rule.

41.3 et al. In review of amendments to 41.3(4) et al., it was clarified that a "national" is a person born in one of the U. S. possessions.

Ch 57 In response to question by Tieden with respect to 57.1, definition of "interim period," Department officials commented that the second provision would come into play if the SSI were suspended. Priebe resumed the Chair.

Chs 73, 74 Brief review of Chapters 73 and 74 which will combine the federal surplus food and the institutional food programs into three divisions of one Chapter of rules.

In 73.27(4), Clark was advised that the state would issue orders different from those of USDA if the supply were too low to distribute. The rules will provide flexibility.

76.6(2)
Ch 88 During consideration of amendments to 76.6(2) and Chapter 88, Walker stated there were three Prepaid Health Plans (PHPs) in Iowa. Broadlawns Hospital has also expressed an interest.

HUMAN
SERVICES
Continued
Chs 78, 81

Walker described amendments to Chapters 78 and 81 as being controversial. Under the proposal, all persons, regardless of source of payment for care, including private pay patients, must be prescreened prior to admission to an intermediate care facility or a skilled nursing facility to determine if they are mentally ill or mentally retarded. If determination is made that one of those conditions exist, the Division of Mental Health/Mental Retardation and Developmental Disabilities and the Department of Human Services must approve the admission as appropriate based on the person's active treatment.

Priebe stressed his preference for the words "may apply to" for "must also" in the first sentence of the second paragraph of 78.12. Walker reminded the ARRC that the federal government is making availability of Medicaid funds contingent upon compliance with the rules. Priebe failed to understand how the requirement could extend to private pay patients. According to Walker, Texas, Oregon, Idaho and Wisconsin have challenged the federal government. Missouri and Nebraska are following the federal mandate and Kansas is addressing the matter through their legislature. She added that Iowa plans to request intent language.

Clark and Priebe suggested that Iowa be added to the list of states in opposition to the change. Walker reported that the A.G.'s office supports the screening rules as protection for all nursing homes.

Royce maintained that the proposal was without foundation in Iowa law. He had researched Code chapter 249A and general statutes of the Department without finding a basis to impose the rules on private pay patients. Royce also observed numerous federal citations in Code chapter 249 which lacked dates certain.

Motion to
Refer

After further discussion, Pavich moved that the matter be referred to the Legislature with a recommendation that it be studied by the Human Services Committee. Motion carried.

No comments re amendments to 78.31. Brief review of 130.2(4) et al. No action.

TRANSPOR-
TATION
DEPARTMENT

The following agenda was before the ARRC:

Recreational trails program, ch 166, ARC 9637, also filed emergency ARC 9636	2/8/89
OWI and implied consent, 620.1, 620.4(2)"e" ARC 9635	2/9/89
Notice of divestment, 800.10 ARC 9646	2/8/89

Those in attendance were: Al Chrystal, K. I. James, Norris Davis, Harry Budd, Nancy Burns and Ian MacGillivray.

Ch 165

In review of Chapter 165, it was mentioned that in the definition of "authority," "state or local government agency" would include the Department of Natural Resources.

TRANSPOR-
TATION
DEPARTMENT
165.26(2)

Tieden questioned 165.26(2) with respect to evaluation and approval of a trail and Burns indicated that point values had been assigned to the different criteria. There was Committee consensus that the point values should be included for public information and the Department was amenable.

No questions re 620.1 and 620.4(2). Rule 800.10 was withdrawn by the Department.

CAMPAIGN
FINANCE
DISCLOSURE

Kay Williams, Executive Director, was present for the discussion of reporting requirements, 4.5 to 4.7, 4.23 to 4.28, ARC 9670, Notice, IAB 2/22/89. Williams stated that the amendments merely set out past practice.

4.23

Discussion focused on prohibition on use of corporate property---4.23(56). Doyle raised question as to the placement of yard signs--4.23(2). Such signs would be allowed on grounds of a corporate entity only if the property were rented or leased to an individual for residential purposes. Doyle cited an example: A person (not a corporation) rents space for bookkeeping in bank-owned property. It was his opinion that a yard sign should be permissible in this instance.

Williams agreed to consult with the Commission's Attorney on this matter. Responding to Pavich, Williams said the Commission's position was that it would be improper for a candidate to place political signs on the premises of the individual's own corporation.

Schrader inquired whether a candidate should ask if a family farm were a corporation. Williams replied that the Commission had discussed that issue and saw no way to distinguish between the two types. She said that corporate personal property would be premises, their building, equipment, etc. Vehicles would be personal property. Williams admitted that better definitions might be needed. It was noted that signs may not be posted on utility-owned power poles.

Responding to Doyle's question about billboards, Williams said that Commission members view political signs as being different from other signs. Code section 56.29 prohibits direct or indirect contributions from a corporate entity and that includes in-kind. However, it does not preclude the purchase at fair market value of any and all services that a corporate entity might have available. Doyle contended that 4.23(1) was limited to placement. Williams suggested possible inclusion of language to provide "unless the placement, where applicable, is paid for at fair market value." She continued that was the intent of the Commission.

With respect to time restrictions for billboard use, Williams pointed out that this area was regulated by DOT.

3-13-89

CAMPAIGN
FINANCE
DISCLOSURE
Concluded

Schrader wondered about small businesses which have bulletin boards or windows where any announcement may be placed--many of those businesses are incorporated. Williams recalled that the Commission had discussed that matter. Brief discussion of PACs as they might relate to signs, billboards, etc. Williams agreed to convey Committee concerns to the Commission.

Recess

The Committee was in recess for 15 minutes.

LOTTERY
DIVISION

Nichola Schissel and Steven King appeared on behalf of the Lottery Division for review of:

REVENUE AND FINANCE DEPARTMENT [701] "umbrella"
Lotto America, 12.2 to 12.6, 12.7(1), 12.7(2), 12.7(5), 12.8(1), 12.8(2), 12.8(4), 12.17, 12.18, ARC 9671, also filed
emergency ARC 9672 N.F.F. 2/22/89

Schissel briefly described the changes being made in the Lotto America game. Priebe was advised that Edward Stanek represents Iowa on the Lotto America Board in a nonpaid position as do directors from other participating states. No action.

PAROLE
BOARD

James Twedt presented the following:

CORRECTIONS DEPARTMENT [201] "umbrella"
Rescind 615--chs 1 to 9; transfer 615--ch 14 to 205--ch 5; adopt 205--chs 1 to 4 and 6 to 15 ARC 9696 ... F. 2/22/89

Doyle and Twedt discussed statutory provisions for 8.2(1)e.

10.4(1)h

In response to Doyle, Twedt said it was his understanding that hunting by parolees would not be allowed--10.4(1)h and 11.5(1)c. Doyle recalled that those who were in prison for nonforceable felonies had been permitted to hunt. Twedt stated standard parole agreement language was used and he was unaware of any change in policy but would review the matter.

Doyle referred to provision in 11.1 for returning a parolee to Oakdale. He wondered if a law change would be needed to allow the parolee to return to the institution from which he originated. This would alleviate overcrowding and expense at the Oakdale facility.

Twedt was unfamiliar with those requirements but he thought the parolees were returned to Oakdale for classification purposes. Discussion of whether a change could be implemented. Twedt agreed to pursue the matter.

Tieden and Twedt discussed rule 10.3 with respect to signature on parole or work release agreements. No Committee action.

Minutes

Schrader moved approval of the minutes of the February meeting as submitted. Carried.

REVENUE &
FINANCE

Carl Castelda, Deputy Director, appeared on behalf of the Revenue and Finance Department for the following:

Replacement parts, 18.44(1)"b"(4), 18.44(2)"g," 18.45(1), 18.45(5) ARC 9684 N. 2/22/89

REVENUE & FINANCE (Continued) According to Castelda, the definition of replacement parts was changed by 1988 Acts, Ch 1243. Amendments to 18.44 and 18.45 address the farm machinery and equipment exemption. The statute changed the requirement for exemption from depreciable to essential. Examples of nonessential items are included in the rules. Although there will be some problems, the "essential" standard is preferable. Castelda added that the Department has worked with Iowa and Nebraska Implement Dealers Associations and prepared lists, posters and handouts.

Priebe thought that a flyer should be distributed to implement dealers. Castelda said that had been done but many dealers carry thousands of parts in inventory and they have multiple uses. No Committee action.

AGRICULTURE AND LAND STEWARDSHIP Dr. Walter Felker, State Veterinarian, and Lawrence Birchmier represented the Department for the following:

Pseudorabies disease, 64.147 to 64.153 ARC 9660 *F* 2/8/89

Department officials were before the Committee to discuss amendments adopted after Notice to the pseudorabies control program. The amendments are identical to the Noticed and Filed Emergency versions as published in the 10/19/88 IAB.

Priebe and Felker spoke of proposed legislation on pseudorabies eradication [SF 474]. Priebe favored a 70-day delay to allow time for additional study.

Motion to Delay Clark moved that a 70-day delay be placed on 64.147 to 64.153, ARC 9660. Royce reminded that the filed emergency rules as published in the Iowa Administrative Code would remain in effect. Motion carried. Schrader asked to be recorded as "passing."

INSPECTIONS AND APPEALS The following rules of Inspections and Appeals were before the Committee:

Field survey administration, 30.2 ARC 9682 *F* 2/22/89
Minimum physical standards for residential care facilities, 60.10, 60.11(1)"a" and "c," 60.11(4)"c," 60.11(4)"f"(4) and (6) ARC 9654 *F* 2/8/89
Residential care facilities for persons with mental illness, 62.16(2)"f" ARC 9664 *N* 2/8/89

Robert Haxton explained 30.2. No questions. Amendments to Chapters 60 and 62 were temporarily deferred. (See p.4064)

Committee Business Tieden moved that Barry be authorized to purchase a two-drawer filing cabinet at a cost of \$90 for the office of Vice Chairman Emil Pavich. Motion carried.

COMMUNITY ACTION AGENCIES Sue Downey was in attendance for the following rules:
HUMAN RIGHTS DEPARTMENT (21) "ombuds"
Affordable heating payment program pilot project, ch 11, ARC 9647, also filed emergency ARC 9648 *N* 2/8/89

There was brief discussion of the program. Schrader took the position that there should be better communication between agencies and the vendors who deliver services. Downey agreed to convey that sentiment to the Board.

COMMUNITY ACTION AGENCIES (Continued) Downey described the two-year program as a demonstration project where it was extremely critical to extract sufficient data on which to base the future program. No recommendations.

INSPECTIONS AND APPEALS Continued from p.4063 Pearl Johnson appeared on behalf of Xenda Lindel-Prine to review rules of Inspections and Appeals. Lindel-Prine had been injured in an auto accident a few days earlier and was still hospitalized. Johnson explained that amendments to Chapter 60 reduce requirements for use of cast iron or copper pipe in drain-waste vent systems in RCFs.

In review of proposed amendment to 62.15(2)f, Johnson said there were descending orders of Schedules of medication. Schedule I has no medical use; II includes codeine, morphine, etc.--pain relievers; "III, IV and V go down the line."

It was pointed out that the (II, III) at the end of the rules indicates the Class of violation of a particular rule.

IOWA
FINANCE
AUTHORITY

The following agenda was before the Committee but there were no comments:

Housing assistance fund program, ch 15 ARC 9651 F 2/8/89

NO AGENCY
REPS

No agency representatives were requested to appear for the following:

ACCOUNTANCY EXAMINING BOARD[193A]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[191]"umbrella"

Required fees, 14.1 ARC 9638 N 2/8/89

COLLEGE AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Iowa Stafford loan program, 10.33 ARC 9641 F 2/8/89

State of Iowa scholarship program, ch 11 ARC 9642 F 2/8/89

Iowa tuition grant program, Iowa vocational-technical tuition grant program, 12.1, 12.1(3), 12.1(4), 12.1(6), 12.1(7), 12.2(6), 13.1(3), 13.1(5), 13.1(7), 13.1(8) ARC 9639 F 2/8/89

Occupational therapist loan payments program, ch 19 ARC 9640 F 2/8/89

HIGH TECHNOLOGY COUNCIL[267]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]"umbrella"

Amend and transfer 485--chs 1 to 3 to 267--chs 1 to 3; rescind 485--ch 4 ARC 9694 F 2/22/89

Public records and fair information practices, ch 5; rescind 485--ch 5 ARC 9695 F 2/22/89

JOB SERVICE DIVISION[345]

EMPLOYMENT SERVICES DEPARTMENT[341]"umbrella"

Employer records and reports, employer's contribution and charges, claims and benefits, benefit payment control, 2.3(5), 2.3(6)"g," 2.11(1), 2.11(3), 2.12(1) to 2.12(4), 3.3(2)"i," 4.4, 4.11, 4.33(2), 4.33(3)"b," 4.60(2)"d," 6.16

ARC 9689 F 2/22/89

Employer's contribution and charges, claims and benefits, benefit payment control, appeals procedure, 3.2(2), 3.36, 3.43(4)"c," 4.2(1)"g," 4.13, 4.14, 4.16(3), 5.13(3)"f," 6.3(1) ARC 9687 N 2/22/89

MEDICAL EXAMINERS BOARD[663]

PUBLIC HEALTH DEPARTMENT[611]"umbrella"

Administrative and regulatory authority and licensure requirements, ch 10 title, 10.1 to 10.3, 10.6, 10.7, 11.1(3), 11.1(6), 11.7, 11.8, 11.11(3), 11.30, 11.30(1), 11.31(2), 11.31(10) to 11.31(13), 11.33 to 11.35 ARC 9688 N 2/22/89

NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[611]"umbrella"

Licensure to practice--RN/LJ/N, 3.1, 3.2(1), 3.2(2)"d" ARC 9676 N 2/22/89

Continuing education, 5.2(2)"c"(2) ARC 9674 N 2/22/89

PERSONNEL DEPARTMENT[581]

Pay, leave, benefits, political activity, equal employment opportunity and affirmative action, 4.5(2)"b"(1), 4.5(8)"c"(1), 4.5(10), 14.3(4), 14.8(4), 14.18, 15.4(4), 16.1(6), 20.6(2) ARC 9650 N 2/8/89

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[611]"umbrella"

Speech pathology and audiology assistants, amendments to ch 302 ARC 9628 F 2/8/89

NO AGENCY
REPS
Concluded

PUBLIC EMPLOYMENT RELATIONS BOARD[621]
Administrative law judge, 1.3, 1.6, 2.1, 2.3 to 2.5, 2.8 to 2.12, 2.16 to 2.18, 2.22, 3.3, 4.2, 9.1, 9.2, 11.5, 11.7, 11.8
ARC 9680 . *E*..... 2/22/89

PUBLIC SAFETY DEPARTMENT[661]
Fire marshal, amendments to ch 5 ARC 9683 . . . *E*..... 2/22/89

RACING AND GAMING DIVISION[491]
INS PECTIONS AND APPEALS DEPARTMENT[181] "umbrella"
Harness racing, thoroughbred racing, 9.4(14)"a," 10.4(14)"a," ARC 9653, also filed emergency ARC 9652 . *N.F.F.*..... 2/8/89

SECRETARY OF STATE[721]
Administrative hearings, ch 3 ARC 9668 . *N*..... 2/22/89
Forms—farm reporting, 4.2(4); rescind ch 41 ARC 9669 . . . *N*..... 2/22/89
Unofficial canvass of votes, ch 24, notice ARC 9388 terminated ARC 9677 . . . *NZ*..... 2/22/89
Athlete agent registration, ch 42, notice ARC 9042 terminated ARC 9676 . . . *NZ*..... 2/22/89

UTILITIES DIVISION[199]
COMMERCE DEPARTMENT[181] "umbrella"
Telephone employee accident/injury reporting requirements, rescind 22.2(6)"b" ARC 9665 . . . *E*..... 2/8/89

VETERINARY MEDICINE BOARD[811]
Rescind 842—chs 1, 6 and 7; adopt 811—chs 1 to 6; transfer 842—chs 2 to 5, 8 and 9 to 811—chs 6 to 9, 11 and 12;
amend 811—7.1 ARC 9602 . . . *E*..... 2/8/89
Discipline, 8.8, ch 10 ARC 9661 . . . *E*..... 2/8/89

Adjourned Tieden moved adjournment at 11:45 a.m. Next meeting was
scheduled for Monday, April 10, 1989, 8 a.m.

Respectfully submitted,

Phyllis Barry

Phyllis Barry
Assisted by Vivian Haag

APPROVED:

CHAIRMAN