

MINUTES OF THE SPECIAL MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE

Time of Meeting: Tuesday and Wednesday, November 17 and 18, 1981. Meeting was held in lieu of statutory date of November 10, 1981.

Place of Meeting: Committee Rooms 116 and 24, Statehouse, Des Moines, Iowa.

Members Present: Representative Laverne W. Schroeder, Chairman; Senator Berl Priebe, Vice Chairman; Senators Edgar Holden and Dale Tieden; Representatives Betty J. Clark and Ned Chiodo. Also present: Joseph Royce, Staff, and Brice Oakley, Coordinator.

Convened Chairman Schroeder convened the meeting in Committee Room 116 at 10:10 a.m. Tuesday. The following Health Department rules were the first order of business:

HEALTH DEPARTMENT[470]

Reportable diseases, 1.2(1) ARC 2467	10/28/81
Vital records, 96.1, 96.6, 96.7 ARC 2390	10/14/81
Physicians' assistants, 136.5(4) ARC 2468	10/28/81
Long term care facility standards, 203.5 ARC 2384	10/14/81
Occupational therapists and assistants, 138.206(6) to 138.206(8), 138.209 to 138.213, 138.208, 137.1(1), 137.2(6), 138.1(1), 138.7, 138.100(1), 138.101, 138.103, 138.200(1), 137.6(3) ARC 2466	10/28/81
Chiropractic examiners, 141.1(18), 141.1(1), 141.1(3), 141.13(6) ARC 2469	10/28/81

SPECIAL REVIEW

Dental/Medical licensing requirements for graduates of foreign schools

HEALTH DEPARTMENT

Peter Fox, Hearing Officer, Ferol Menzel, Board of Physical and Occupational Therapists, Mark Wheeler, Hearing Officer, David Fries, Disease Prevention, Susan Osmann, Planner, and Steven Braun appeared on behalf of the Health Department. Also present: Harriett L. Miller, Chiropractic Examiners Board; James H. Krusor, Board of Medical Examiners; Robert Kreamer, Attorney; Mary Oliver, intern student; Prem Sahai, Ph.D., Webster City; Francis E. Keith, Iowa Dental Society; Dalton W. Richey, Iowa Dental Association; Bill Behan and Ted Yanecek, Iowa Farm Bureau.

138.206(4)

According to Fox, the Board of Physical and Occupational Therapy Examiners amendments to chapter 138 adopt rules for continuing education and disciplinary procedures for therapists and assistants. There was discussion of 138.206(4) with Holden questioning the requirement that applicants from another state be certified with the Occupational Therapy Association. Fox referred to §148B.6, The Code, as authority.

1.2(1)

The Committee members challenged the recommendation in 1.2(1) that campylobacter, cancer, and Legionnaire's disease would have to be reported as communicable diseases. Department officials assured ARRC that additional staff would not be required to implement the amendment. Clark requested that specific legislation on the matter be initiated by the Department. Schroeder requested

HEALTH
DEPARTMENT
Continued

Department officials to report results of the public hearing to the ARRC. Fox was amenable. There was general discussion of the unfortunate choice of the name "Legionnaire's Disease".

96.1, 96.6, Clark commended the Health Department for their efforts in attempting to reach an equitable solution to the problems surrounding Vital Records rules. Priebe questioned 96.1(1), second paragraph, which would require the live birth docket to "include the number of the child born." He favored clarification of that statement. Wheeler commented that information had been requested in earlier records. Clark questioned the need for racial information and Wheeler explained that was collected on marriage records only. In response to Oakley, Wheeler indicated no adverse comments had been received at the public hearing. Oakley wanted assurance there would be uniform application of the final rules. Wheeler told the Committee that the Department will continue to work with county officials. Although Tieden realized that county clerks were vulnerable to criticism when charges are imposed, it was his opinion a fee was justified.

136.5(4) There was brief discussion of 136.5(4). Clark requested, in 136.5(4)a, removal of "for such utilization". Braun advised Clark that definitions in chapter 203 agree with those of the Department of Social Services. In response to Tieden, Braun said there were no comments received at the public hearing regarding the proposed rules. The standards had been developed over a long period of time.

203.5(8)c In re 203.5(8)c, Schroeder was concerned about application of bed review formulas in project review with respect to operations which cross county lines, particularly, in the Omaha-Council Bluffs area. Braun pointed out that the agreements would not apply to interstate operations.

Chiropractic
Examiners

There were no comments or questions regarding amendments to chapter 141, chiropractic examiners.

Special
Review
Dental &
Medical

Chairman Schroeder called for special review of Dental/Medical licensing requirements for graduates of foreign schools. He explained that ARRC should be apprised of possible problems in the rules [320--chs 10-15, 470--rules 135.101-135.109]. Sahai alleged that the Dental Examiners Board prohibited licensing of graduates from foreign medical colleges. Iowa participates in the regional dental testing service for licensing purposes, but individuals who pass that exam are not permitted to practice in the state.

Responding to Clark, Sahai assured Committee members that all practicing dentists in Iowa had graduated from United States colleges. He recalled his interest in the matter began when an Associate Professor of Dentistry, Northwestern University, Chicago, who was licensed in Illinois, Tennessee, Florida, etc., could not obtain a license in Iowa.

Keith, a practicing dentist in Des Moines, and an Iowa Dental Board member, presented a position paper to the Committee. The Board expressed preference for retention of existing rules for

HEALTH
DEPARTMENT
Continued

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licensure as being "in the best interest of the people of Iowa" to maintain the rule concerning accredited schools. Iowans rely on the dental college to exclude students who cannot measure up to critical standards of skill, knowledge and personality. Keith noted that foreign dental schools are nonaccredited. He declared there was a mechanism by which dentists trained in foreign schools could be examined for licensing in Iowa. In many instances, training could be completed within two years.

Keith emphasized that there was no shortage of dentists in Iowa even though this was an exception to much of the world. According to Keith, the University of Iowa limited the number of freshmen to 88 for 1981 and further reductions are anticipated in 1982 and 1983. In his opinion, Sahai's request is nothing more than a possible short cut for the economically ambitious to avoid proper evaluation by an accredited college.

Holden was shocked that licensing was providing a mechanism to regulate numbers in the profession. He doubted the Association should be concerned with competition. Holden took the position that, in our free society, if someone wants to become a dentist and qualifies, he should be allowed the privilege. He recalled the licensing Act had been rewritten in 1973 or 1974 and he distinctly remembered asking the dental profession why they insisted on tests being conducted by graduates from accredited schools.

Keith responded that it was an issue of state's rights--the state has the prerogative to grant the license rather than a regional testing service.

Oakley opined the issue was essentially statutory. The Code, not the rules, probably should be changed. Keith responded to Tieden that Illinois has been consistently unwilling to enter into reciprocity agreements with Iowa. General discussion of reciprocity. Fox pointed out there was no national organization to review and accredit foreign dental schools.

Motion -
Referral
to GA

Priebe moved that ARRC notify the appropriate legislative committees to review the Code section relating to dental licensing. Discussion as to the proper committee, with Clark recommending the state government in the House of Representatives. Motion carried viva voce.

Sahai noted that the Medical Examiners had similar problems--Priebe asked and received unanimous consent to add Medical licensing to his motion.

Krusor discussed HF783 (state government in the Senate) which would reduce residency requirements for foreign graduates from 2 years to 1. Oakley questioned Sahai about a possible personal interest in the Medical Examiners licensing. Sahai denied that he had personal interest in either rule. Clark referred to Sahai's letter regarding the physician shortage in rural areas and said her experience had been that foreign physicians were reluctant to move to rural areas. Sahai contended that was because Iowa requires a 3-year residency for foreigners.

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COMMISSION The following rules of the Commission for the Blind were reviewed:
FOR THE BLIND BLIND, COMMISSION FOR[160]
Promotions, demotions, transfers and terminations, 6.2 to 6.6 ARC 2450...X..... 10/28/81
General personnel policies and procedures, ch 7 ARC 2451...F..... 10/28/81

6.2

John Taylor, Director, and Tony Cobb represented the Commission. Priebe questioned 6.2(601B), and the fact that the Commission director approves promotions. Taylor said the director has the final approval, based upon the recommendation of the staff. He thought this was customary in state government as well as in private business. Clark supported the concept. It was noted the hearing on the rules would be held November 18, 1981.

ch 7

Schroeder had received mail concerning chapter 7 -- general personnel policies and procedures. He requested Royce to notify the individuals of the pending hearing. Oakley indicated Commission officials were working with him regarding some technical areas in chapter 7.

ATHLETIC
COMMIS-
SIONER

Walter Johnson appeared on behalf of the Bureau of Labor Commissioner Allen J. Meier for discussion of tentative rules for the Toughman Contests and to learn reaction from the Committee. He reported that a promoter was seeking permission to come into the state. Johnson explained that, on the last night of the contest, fighters will adhere to 18 minutes maximum--instead of 3 bouts, 3 rounds at 2 minutes, there would be 4 bouts, not to exceed 1½ minutes, 3 rounds.

Chiodo expressed opposition to the toughman concept and he disliked the perception of the symbol it proposes for society--particularly, in his own community--"the image that we want to crown the toughest guy in town." Beyond that general objection, he made the point there was a difference in fighting four bouts rather than three -- even if the time frame is the same. The energy exerted fighting four bouts would be more. He viewed the rules as a mercenary twist "by accommodating a national convention and placing life-protecting standards in jeopardy to add a few bucks into the economy." He favored delay until the entire legislature could study the matter.

Holden was concerned about the basic philosophy of an agency changing rules to attract something from outside the state. He doubted changing the rules would have an impact on the safety of the contests.

Tieden viewed the ARRC role as being one to decide whether or not the Department had authority for this change--he thought they did. In his opinion, it was a matter of interpretation whether the contests were safe. Tieden concluded that Meier would be cautious in changing the rules because of the recent adverse publicity following injury of a contestant.

Johnson agreed Meier was concerned for safety and emphasized the rules are much more stringent in some areas than those governing Golden Gloves contests. He added that participants have won various contests around the country and will be physically fit to endure the rigors of competition--first prize will be around \$50,000. The possibility of a national championship in Des Moines

ATHLETIC
COMMISSIONER
Continued

had not been anticipated, therefore, the matter was not addressed in previous rules. Schroeder preferred the ½ minute less time be applied to all bouts. There was discussion as to appropriate action, since the rules were not officially before the Committee. Oakley saw the question as one of safety. He was satisfied, after having visited with Meier, that he could recommend approval of the rules.

Clark concurred with Chiodo that the "dehumanizing and sadistic" sport should be eliminated.

Vote

Schroeder asked Priebe to take the Chair. Schroeder then moved that the Committee indicate favorable response to the proposed change. The motion carried viva voce. Chiodo and Holden voted "no".

Schroeder directed Johnson to suggest the change to 1½ minutes for all bouts. Johnson agreed to apprise Meier of Committee sentiments.

Committee
Business

Priebe moved that the Administrative Rules Review Committee approve necessary expenses for Chairman Schroeder to attend the National Conference on State Legislatures meeting in Tampa, Florida. Motion carried viva voce.

Recess for
Lunch
Reconvened

Chairman Schroeder recessed the Committee for lunch at 11:50 a.m. to be reconvened at 1:30 p.m.

Chairman Schroeder reconvened the meeting at 1:30 p.m. with Commerce Commission officials Alice Hyde and Ben Stead present for discussion of the following rules:

COMMERCE
COMMISSION

COMMERCE COMMISSION[250]

Forms, practice and procedure, 2.1(3), 7.1(4)"i,j", 7.7(5), 7.7(11), 7.7(12), 7.7(16), 7.8 to 7.11, 11.3(3) ARC 2461 ..X.... 10/28/81
Treatment of costs associated with the inside wiring
portion of station connections for intrastate telephone utilities, ch 16 ARC 2462.....X..... 10/28/81
Iowa-saves America's vital energy, supplemental energy conservation plan, chs 27, 28 ARC 2470 X..... 10/23/81

Also present: Chuck Kennedy, Executive Director, Red Rock Area Community Action.

11.3

Schroeder questioned 11.3(3) requiring 8½x11" petition paper size. Hyde explained that this was a rule of the Supreme Court and probably the result of the Records Management Act. Most agencies have converted to lateral filing systems.

27.7(1)

In re 27.7(1)a, Tieden could envision problems with program audits. Committee members were concerned that there would be many audit requests and questioned whether compliance with the rules would be possible. Schroeder noted that this could require extra help and ultimately result in unemployment compensation payments. Members could see a need for some leverage.

27.7(2)c

Schroeder raised question as to the .75 acre requirement for wind energy systems as set out in the applicability criteria column in 27.7(2)c. He was of the opinion that this would effectively block installation of wind systems in the Des Moines area. There was discussion of utilities' financing in 27.11(8). Hyde informed the Committee that litigation was pending on the subject.

COMMERCE Stead led brief discussion of chapter 16 pertaining to intrastate
COMMISSION telephone utilities, and it was noted that these rules would af-
Continued fect the five rate-regulated companies. No formal action was
taken.

PLANNING & Harriet Cate Leitch, Dave Discher and Bruce Ray represented the
PROGRAM- Office of Planning and Programming for discussion of community
MING services, block grant, chapter 22, ARC 2420, also filed emergency
ARC 2421, IAB 10/14/81.

22.2(2) Clark questioned the choice of "shall" in re 22.2(2), line 4.
Although she realized the language was excerpted from the federal
provisions, she preferred rewording and cited an example: "the
secretary shall revise..." or "The periodic revisions by the
secretary shall be used as a criterion of eligibility." Clark
requested removal of "such" and "said" where used in excess.

22.7 Discussion of administrative costs in 22.7. Disher indicated
they plan to make technical revision prior to adoption of the
Noticed rules. Clark opined that 20 percent administrative cost
was high. Disher responded that this also includes administrative
costs of many other programs that are not self-supporting--housing,
some nutrition programs, etc.

Tieden noted that line items in 22.9 cannot exceed the budget
more than 10% unless the grant is amended. No formal action taken.

REAL ESTATE

COMMISSION The following rules of the Real Estate Commission were before the
Committee:

REAL ESTATE COMMISSION[700]

Brokers and salespersons, 1.4, 1.9	ARC 2448X.....	10/23/81
Brokers associates, license renewal, continuing education, 1.32, 2.2(3), 3.6(5), 3.6(6)	ARC 2447X.....	10/23/81
Licenses of other jurisdictions, 2.3	ARC 2449X.....	10/23/81
Trust account, broker's responsibility, 1.27, 1.30	ARC 2446X.....	10/23/81

1.4 Gene Johnson, Ken Smith and Frank Thomas were present for the
discussion. According to Johnson, 1.4 adds clarifying language
as to when corporations, partnerships and associations are re-
quired to notify the Commission as to a change of status. Re-
sponding to Royce, Johnson said that a license is mandatory for
a partnership -- \$117.2, The Code. Holden, in 1.4, recommended
that language in subrule 1.4(1) be incorporated in the first
paragraph. He questioned the reason for revision of 1.9(117)
since, in his opinion, the earlier version was clearer. Johnson
claimed the principal could be a party acting either as a buyer or
a seller. This revision provides that if the licensee sells his
or her property, the buyer would be aware that he was dealing
with a real estate licensee. Holden failed to understand what
difference that knowledge would make. Thomas indicated the dis-
closure would ensure there was no intent to "trap." Holden
viewed the rule as an extension of the law. General discussion
and disagreement between Holden and Thomas. Johnson could not
respond to Royce's request for an example when the rule had been
necessary. Johnson viewed it as a disclosure issue. He agreed
to relay the concern to the Commission. Holden wanted to avoid
interference with free transactions. He declared the present la-
authorizes prosecution of a relator for illegal practice.
Tieden questioned necessity for change of address fee.

REAL ESTATE
COMMISSION
Continued

Johnson responded the \$5 fee [rule 1.13IAC] was based upon the theory that the one who benefits should pay. The Commission does not intend to make a profit. Tieden thought the fee was "ridiculous." Holden preferred the former language in 3.6(6) with respect to continuing education certification. He was dubious that enforcement was possible. Johnson said the intent of the rule was to simplify the "paper blizzard." A licensee would be subject to disciplinary action for falsification of continuing education requirements. Johnson stated that schools employ various methods of policing classes to ensure completion of courses. Holden recommended utilizing a checkoff box as a means of double checking.

2.3 In re 2.3, Schroeder could see no justification for the two-year arbitrary figure. Johnson pointed out that the rule allows for acceptance of licensees from other states, however, other states may not accept Iowa residents.

Schroeder suggested inclusion of a reciprocity phrase. Johnson indicated the provision was in process of being changed--in many ways, it creates a "one-way street." Tieden was assured that reciprocity agreements with other states would not be affected. Schroeder thought if the person had been licensed for two years in another state, that should be honored by Iowa. He could see no justification for delay. Johnson pointed out the requirement was applicable to states which do not accept an Iowa license.

1.27-1.30 Schroeder thought "who conducts their activities" was superfluous. Johnson pointed out the Commission has had horrendous problems with unsupervised offices. Schroeder suggested revocation of the "broker's license" but Johnson referred to a supreme court case which would not permit that approach.

Break Schroeder recessed the Committee at 3:20 p.m. Reconvened at 3:35 p.m.

INSURANCE DEPARTMENT
CH 11 Richard C. Hurst, Complaint Analyst, Bruce Foudree, Commissioner, and Tony Schrader, Deputy Commissioner, were present for review of the following:

INSURANCE DEPARTMENT[510]

Insurance agents, ch 11 ARC 2463 10/28/81

Schroeder was interested in problems which might develop for agents as a result of the Continuing Education mandate in chapter 258A. Schrader said Certified Public Casualty Underwriters (CPCU) and Certified Life Underwriters (CLU) courses would likely become accredited.

11.2 Clark pointed out typos and also requested removal of excess verbage. In 11.2(1), she asked for removal of "with regard to such individuals." Schrader was agreeable.

Holden questioned whether 11.4(1) requiring proof of Continuing Education could be policed. Schroeder and Holden recommended that the provider furnish a certificate or diploma verifying course completion. General discussion followed. Holden reiterated his skepticism that the rule would not be carried out to the best interest of everyone. Schrader said they reviewed the process used by supreme court and lawyers.

INSURANCE Schrader called attention to a definition of "C.E.U." (Continuing
DEPARTMENT Education Unit) and explained to the Committee that opposition
had been expressed to use of this acronym. The Department
plans to insert a substitute. No formal action taken.

CONSERVATION The following rules were before the Committee:
COMMISSION

CONSERVATION COMMISSION[290]

Wildlife habitat stamp revenue cost assistance program on private lands, 22.5, 22.6, 22.9 ARC 2441 ~~F~~..... 10/28/81
Wildlife habitat stamp revenue cost sharing with local entities, 23.5, 23.7, 23.14 ARC 2442 ~~F~~..... 10/28/81
Trapping on game management areas, ch 24 ARC 2443 ~~F~~..... 10/28/81
License depositaries, 66.3, 66.4, 66.6, 66.7 ARC 2444 ~~F~~..... 10/28/81
Fishing regulations, 108.1, 108.2 ARC 2445 ~~F~~..... 10/28/81

Marion Conover, Fishing section, and Stanley Kuhn appeared on behalf of Conservation. Schroeder announced that since agency personnel had conflicts, the first three items on the agenda would be placed on the nonrepresentative category.

Conover discussed sport fishing rules for 1982 -- subrule 108.2(b) is new and contains an exception for border lakes -- Five small shallow lakes along Iowa and Minnesota border. The differing regulations have caused confusion. Tieden favored limitation on catfish catch. Further, he contended it was a waste of a natural resource to allow unlimited catch of pan fish. Kuhn said no one attended the public hearing. No recommendations were offered by the Committee.

Committee requested Conservation officials to appear at 8:45 a.m. Wednesday for further review of amendments to chapter 23.

ENERGY
POLICY
COUNCIL

Allen Burns represented Energy Policy Council for review of the following:

ENERGY POLICY COUNCIL[380]

Grant programs for schools, hospitals, buildings owned by units of local government and public
care institutions--energy measures, audits and conservation, 6.4(1)"b", 6.4(5), 6.5(1), 6.5(3)"a",
6.6(1), 6.6(2), 6.8(1), 7.1, 7.2(1)"b", 7.2(2)"c", 7.3(2), 7.4(2)"a"(6), 7.6(2), 7.6(3), 7.6(4)"c"(1), 7.6(5)"b" ARC 2459 ~~F~~.... 10/28/81

He advised ARRC members that the federal regulations necessitate changes in the Administrative Code. In general discussion of changes, Schroeder requested addition of crankcase oil in the list of fuel used for heating.

In 7.6(2), it was noted there was a typographical error in the formulas which the Department planned to correct. Burns called attention to the fact the program deals with buildings constructed prior to 1977.

SECRETARY
OF STATE

The following rules were before the Committee:

SECRETARY OF STATE[750]

CES instant tally system, 10.4 ARC 2392 ~~F~~..... 10/14/81
Temporary use of paper ballots in voting machine precincts, 10.5 ARC 2431, also filed emergency ARC 2430 ~~F~~..... 10/23/81
Constitutional amendments and public measures, 11.2 ARC 2438 ~~F~~..... 10/28/81

10.4

Mary Jane Odell, Secretary of State, and Louise Whitcome, Director, Elections Commission, were present. Whitcome addressed the Committee regarding the CES instant tally system which will provide for its use in any Iowa County as approved by the State Board of Examiners for Voting Machines and Electronic Voting Systems. Whitcome reported that Buchanan and Linn Counties were interested in the system and had used it for one trial election. She displayed a sample ballot from Jesup and admitted she had not seen the system in use. There was Committee concern for

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SECRETARY OF STATE Continued write-in candidates. Chiodo, recalling that he had won an election on a recount of ballots, had special interest in 10.4(5)b--manner of marking ballot card. Whitcome doubted "pasters" could be used on the ballot. Chiodo was certain a sticker would not pass through the machine. Priebe and Chiodo maintained that the rules were "writing a company into the law." They insisted the rule must allow for competition and Priebe recommended removal of "CES" and insertion of "a". Tieden declared it was unlawful to set out the name of a company in the Code. In discussing the ballot for instant tally systems, Chiodo wanted assurance that "OVER" in large, red letters would be placed on the bottom of the front side. He quipped, "I would hate to have my name printed on the back!"

Chiodo took the position that clarification was needed with respect to write in ballots and improper ballots. Priebe took issue with use of "some or all" in 10.4(1)c and asked for clarification. He declared the "legislature is making it more difficult for the voter."

Responding to Clark, Whitcome knew of no advantage of the instant tally system. There was brief discussion of 11.2. Chairman Schroeder requested the agency to work with Committee staff in an attempt to resolve the questions raised. If that is not possible, perhaps corrective legislation would be needed. Odell admitted she had reservations about the instant tally system and was amenable to Committee recommendations.

Recess Chairman Schroeder recessed the Committee at 4:45 p.m.

Reconvened 11/18/81 Vice Chairman Priebe reconvened the ARRC meeting at 8:50 a.m. in Senate Committee Room 24. Members present were Priebe, Holden and Tieden, and Clark and Chiodo. Excused to attend NCSL meeting: Chairman Schroeder. Also present: Royce.

CONSERVATION COMMISSION As requested by the Committee, Robert Barratt, Superintendent, Wildlife, appeared on behalf of the Conservation Commission for discussion of amendments to chapter 23, wildlife habitat stamp revenue cost sharing with local entities.

There was general discussion regarding the source of federal revenue for conservation matters. Barratt pointed out that minor changes had been made in amendments to chapter 23.

No further comments.

SOCIAL SERVICES The following rules of Social Services were before the Committee and the Department representatives present were: Judith Welp, Hearing, Policy and Analysis; John Terrell, Chief, Appeals & Hearing; Lois Behrens, Bureau of Medical Services; Herbert Roth, Iowa Psychological Association; Marg Corhery, Title XX Program Coordinator; James Krogman, Children's Services; V. June Jorgenson and Gloria Conrad, Bureau of Financial Assistance, Broxann Keigley, Adult Corrections, and Johnathan Golden, Attorney General Assistant for the DSS. Also present: Dewey Knudson, Des Moines Tribune and T. Henry, United Press International.

SOCIAL
SERVICES
Continued

SOCIAL SERVICES DEPARTMENT[770]

11-18-81

Teleconference hearings, 7.22	ARC 2452	N	10/28/81
Women's reformatory, visiting, 19.2(1)	ARC 2453	N	10/28/81
ADC, 40.7(4), 41.7, 41.7(1), 41.7(2), 41.7(4), 41.7(7), 41.7(9), 41.8(2), 45.6, 46.2(2), filed emergency	ARC 2394	N	10/14/81
ADC, earned income, 41.7(2)"a"	ARC 2395	N	10/14/81
State supplementary assistance, 52.1(3)"a"	ARC 2454	N	10/28/81
Food stamp program, 65.1, 65.3, 65.14, 65.15, filed emergency	ARC 2394	N	10/14/81
Food stamp program, 65.1(2), 65.14, 65.15	ARC 2396	N	10/14/81
Medical assistance, persons covered, 75.1	ARC 2455	N	10/28/81
Medical assistance, psychologists, 77.22	ARC 2397	N	10/14/81
Medical services, prescription drugs, 78.2(2)"d"	ARC 2456	N	10/28/81
Medical services, psychologists, 78.24	ARC 2398	N	10/14/81
Intermediate care facilities, 81.6(1)"b"	ARC 2399	N	10/14/81
Intermediate care facilities for the mentally retarded, 82.5(1)"c"	ARC 2400	N	10/14/81
County and multicounty juvenile detention homes and shelter care homes, 105.1, 105.2, 105.3, 105.5, 105.6(2), 105.8, 105.9, 105.11 to 105.21	ARC 2457	N	10/28/81
Group living for care facilities for children, 114.2(13), 114.2(14), 114.24	ARC 2458	N	10/28/81
General provisions, block grant program, 130.3(1), 130.3(4), 130.5(2), 130.5(3), 130.6(1)	ARC 2403	N	10/14/81
General provisions, block grant program, ch 130, also terminated	ARC 2402	N	10/14/81
General provisions, 130.4	ARC 2401	N	10/14/81
Adult correctional institutions, ch 16	ARC 2404	F	10/14/81
Penitentiary, John Bennett correctional unit, amendments to ch 17	ARC 2405	F	10/14/81
Men's reformatory, amendments to ch 18	ARC 2406	F	10/14/81
Women's reformatory, amendments to ch 19	ARC 2407	F	10/14/81
Security medical facility, amendments to ch 20	ARC 2408	F	10/14/81
Riverview release center, amendments to ch 21	ARC 2409	F	10/14/81
Medium security institutions, amendments to ch 22	ARC 2410	F	10/14/81
Reimbursement to counties--inpatient mental health treatment, 131.1(4), 131.2(1)	ARC 2411	F	10/14/81
Work and training programs, 55.2, 55.2(4), 55.2(5), 55.2(7), 55.2(8), 55.2(12), 55.2(18), 55.2(20), 55.2(21)	ARC 2412	F	10/14/81
Shelter assistance for unemployed parents, ch 57	ARC 2413	F	10/14/81
Medical assistance, persons covered, 75.1(12), 75.1(13)	ARC 2414	F	10/14/81

7.22 Terrell said teleconference hearings were viewed as a money-saving venture and would expedite decisions. Travel expenses could be cut in half. Clark referred to 7.22(3) and was hopeful more discretion would be permitted in these hearings. However, Terrell said this would not be possible.

19.2(1) Welp told the Committee additional visiting hours provided in 19.2(1) would not necessitate extra personnel. The visits will still be programmed.

chs 40, 41, 45 & 46 Amendments to chapters 40, 41, 45 and 46 reflect changes in the ADC program as a result of the Omnibus Reconciliation Act. The state had the option of defining full-time and part-time employment and setting standards for part-time--those provisions were placed under notice[ARC2395]. Welp estimated a savings of between \$368,000 and \$469,000 per month in state funds.

41.7(2) In re 41.7(2), no questions were posed. Welp remarked that she was submitting changes to be published in December.

No formal action taken on rules concerning chapter 16, adult corrections.

Responding to Clark's question of 52.1(3)a(2), Welp said the formula was determined by SSI.

Amendments to chapter 65, food stamp program, implement federal mandate. Normal rulemaking procedures were followed for the few areas where the state had discretion. Welp informed Priebe the 30-day month was a state choice to comply with the computerized system.

65.14 In re 65.14, Tieden and Clark requested clarification of food eligibility. According to Welp, an administrative decision was made concerning borderline qualifiers. Welp told the Committee that the food stamp program is evaluated on a monthly basis.

- SOCIAL SERVICES Continued In a matter not officially before the Committee, Tieden inquired if the federal law still prohibited the publishing of names of those who receive food stamps. Welp replied in the affirmative. Clark would vote for disclosure when all churches publish contributions by their donors. Tieden was not opposed to helping the poor and needy, but abhorred widespread abuse of the food stamp program.
- 75.1(3) Tieden questioned 75.1(3) as to why DSS did not ask for social security number. Welp replied they could request it for ADC, but federal law prohibits that requirement in the medical program.
- 75.1(9), (10) Clark questioned 75.1(9)(10). Department officials explained some of the Medicaid for foster care is state financed. There is no federal participation. In ADC, there is FFP -- a recipient would have to be eligible for the federal before they could become eligible for state assistance.
- 77.22 Holden and Priebe asked that "said" be removed from the last line of 77.22 for clarity.
- 78.24(3) In re 78.24(3), Clark questioned the need for limitations on place of treatment. Roth thought it was called "pragmatic reality." DSS said there was no supporting data that there is a cost savings and they preferred limitations. Welp commented the reason for defining location where an individual could receive psychological care was because other types of services are provided in a hospital, ICF or RCF.
- 78.2(2) Welp explained that amendment to 78.2(2) deleted areas with respect to prescription charges which are now the responsibility of the Board of Pharmacy.
- 81.6(11) Amendments to 81.6 and 82.5 increase the maximum amount allowed
82.5(11) for an owner-operator of an Intermediate Care Facility. Welp said the provisions never applied to other facilities and DSS attempted to clarify this by rule. Holden thought there could be more concern for a relative who might be related to the owner. Committee members wanted assurance there would be no abuse of the payment. Welp agreed to check limits regarding relatives, etc.
- 105.2(1), b(2) Priebe interpreted sentence structure of 105.2(1)b(2) to require four youths per room. General discussion of the meaning.
- 105.2(8) Welp told Clark that requirements for dishwashers in 105.2(8) were the same as that of the Health Department. Clark questioned use of "compelled upon a child" in the last sentence of 105.8(2). She requested clarification of "presenting problem" in 105.8(7).
- 105.2(7) Holden was disturbed by the lengthy rules although he realized it was unavoidable. He referred to 105.2(7) pertaining to handling of food. The mandate that personnel be "free of infection" was an example of statements that could cause problems, in his opinion. Holden opined that 105.2(4) which addressed venting of space heaters should be more definitive.

SOCIAL SERVICES Continued 105.8(1) Holden challenged varying requirements in the DSS standards for buildings. He preferred reference to the state building code instead of setting out all details on wiring, sewage, etc. In his opinion, a care plan for each resident [105.8(1)] would be a costly project and he wondered if the rules had been cleared with potential residents of the facilities.

No recommendations were offered for amendments to chapter 114.

130.3(1) In example 2 of 130.3(1), Welp called attention to an error--\$219 will be corrected to \$291.

130.5(1)d Clark had been contacted by county officials who were concerned that 103.5(1) re denial of service would allow the DSS "to dump on them." Welp agreed to reword for clarity. She informed Tieden that the county officials had contacted the Department.

No formal action taken on rules of Social Services.

10:00 a.m. Tieden was excused to attend another meeting.

REVENUE DEPT. Carl Castelda, Deputy Director, John Christensen, Corporate Income Tax Division, James D. Hamilton, Supervisor, Individual Audit Section, appeared on behalf of the Revenue Department. The following rules were reviewed:

REVENUE DEPARTMENT[730]

Permits, 13.7 ARC 2464 10/23/81
 Indexation, determination of net income, penalty and interest, 33.10, 40.9, 40.10, 44.3 to 44.6 ARC 2425 10/14/81
 Withholding, 46.3(3) ARC 2426 10/14/81
 (Corporations) payment of tax, determination of net income, allocation and apportionment, penalties (Franchise) penalty, estimated tax for financial institutions, 52.5(2), 52.5(3) to 52.5(9), 53.8, 53.9, 54.4, 56.5(1), 58.5(4) to 58.5(9), 61.5(1) ARC 2127 10/14/81
 Administration, motor fuel, special fuel, 63.13, 63.17(1), 63.25(1), 63.25(3), 64.1, 64.3, 64.4(3) to 64.4(5), 64.5, 64.7(3), 64.16, 64.18, 64.20, 64.22, 65.15 ARC 2465 10/23/81

There was brief discussion and no recommendations were offered. Castelda stated that 46.3(3) changes the due date for filing W-2 information and year-end summary reports from January 31 to the end of February following the close of the tax year.

In a matter not officially before the Committee, Holden called attention to possible serious tax loss as a result of oil companies blending gasoline with alcohol.

SUBSTANCE ABUSE DEPT. The following rules of the Substance Abuse Department were before the Committee:

SUBSTANCE ABUSE, DEPARTMENT OF[805]

License, treatment programs, 3.7(2), 3.8, 3.10 ARC 2386 10/14/81
 Licenses for treatment programs, 3.3 ARC 2385 10/14/81

Gordon Dean Austin, Licensure Inspector, was present on behalf of the Department. No formal action was taken.

Recess Vice Chairman Priebe recessed the meeting at 10:30 a.m.

Reconvene The meeting was reconvened at 10:55 a.m. with Priebe in the chair.

DEPARTMENT OF TRANSPORTATION The following rules of Transportation Department were reviewed:

TRANSPORTATION, DEPARTMENT OF[820]

Drivers' license, persons exempt, [07.C] 13.1, filed emergency ARC 2383 10/14/81
 Handicapped identification devices, [07.D] ch 1 ARC 2440 10/23/81
 Vehicle registration and certificate of title, [07.D] 11.1, 11.2, 11.4 to 11.7, 11.20, 11.22, 11.46 ARC 2439 10/23/81
 Functional classification of highways, [08.C] 3.15, 3.15(6), 3.15(7) ARC 2434 10/23/81
 Contested cases, [01.B] 3.1, 3.2, 3.2(1), 3.3, 3.4(4)"a" and "b", 3.7, 3.9, 3.9(1), 3.9(10)"b", 3.9(11), 3.10 ARC 2432 10/23/81
 Drivers' license, persons not to be licensed, [07.C] 13.2 ARC 2433 10/23/81

DEPARTMENT
OF
TRANSPORTATION

Representatives present for the review were: James K. Cable, Transportation Planner, Julie Fitzgerald, Executive Assistant, Carol Padgett and Carol Coates, Vehicle Registration, Ann B. Nostwich, Management Analyst II, and Al Chrystal, Driver License.

13.1

No questions regarding [07C] 13.1. In re handicapped identification devices, Coates stated that [07,D]ch 1 implements Code changes enacted in 1980. She explained to Holden that the law change allowed the devices to be issued to individuals who provide transportation for handicapped and certain information is required in [07,D]1.2a. He was interested in DOT's authority to prohibit use of the device. Coates cited 601E for penalty provisions. General discussion of the inevitable abuse of handicapped parking privileges. Holden maintained there were far too many spaces provided.

Motion

Holden moved to refer the matter to the respective Transportation Committees in the legislature. Motion carried viva voce.

Amendments to
07,D, ch 11

Discussion of chapter 11. Holden commented he was under the impression that the type of fuel used by a vehicle was listed on the title and registration. He pointed out that was not reflected in the rules. Coates did not believe it was required, but pointed out the information is placed on the title if it is given. Holden thought it should be required and he planned to introduce a bill to that effect.

Discussion by Priebe and Coates regarding penalty dates for licensing of vehicles in storage -- farm trucks.

ch 3

Cable explained that amendments to chapter 3 implement SF456 [69GA]. Duties of the state functional classification review board are basically removed. Responding to Tieden, the Review Board is still active on the classification of roads but has no jurisdiction regarding transfers.

Tieden discussed a local county highway which does not have a high vehicle count but has extreme pressure from heavy grain trucks. He pointed out it serves the state rather than the county and the county will not have adequate finances to maintain it. Cable said that was a misnomer. The classification process is still there -- there is no guideline in rules or law. In the past, DOT tried to consider vehicle counts, etc. Tieden preferred that jurisdiction be transferred from Clayton County to the state. Cable said the transfer process was essentially stopped by SF 456.

No further questions on rules of DOT.

BEER & LIQUOR
CONTROL DEPT.

William Armstrong, Legal Counsel, represented Beer & Liquor Control Department for review of the following:

BEER AND LIQUOR CONTROL DEPARTMENT[150]

Verification of eligibility to purchase alcoholic beverages, 4.32 ARC 2436 10/28/81

Armstrong informed ARRC that the state ombudsman requested Beer & Liquor Control to draft a rule on guidelines for use

BEER &
LIQUOR
CONTROL
Continued

11-18-81

of the "Verification of Eligibility" form which has been in use by the Department for quite some time. Responding to Chiodo, Armstrong said the form is for the protection of the employee and the purchaser. It is an attempt to decrease illegal purchases in the state.

Chiodo asked about additional safeguards. Armstrong referred to Code section 123.21(5) which states that the director may promulgate a rule on how to judge an age.

Royce declared the Department was requiring a quasi-legal document. Armstrong was hopeful that the form would protect their own employees. General discussion, with Armstrong informing the Committee that approximately 2650 forms were signed before June 30, 1981. Armstrong contended the legal status would be unknown until there was a court case. Royce stressed that the form would have to be notarized to be legally binding. Armstrong insisted civil rights were not being deprived. Chiodo was skeptical of the proposal. Members were informed that forms are retained in the store where signed for 2 to 3 years. Chiodo viewed the form as a "management tool" which probably should be discontinued. Holden thought the rule should be redrafted to be more concise. The Vice Chairman asked if there were any motions to be made -- none were forthcoming.

MINUTES

Holden moved that the minutes of the October meeting be approved as submitted. Motion carried.

No Reps

No agency representatives were requested to appear for any of the following:

AGRICULTURE DEPARTMENT[30]
Pitless scales for sand, limestone and coal, 55.12 ARC 2391N..... 10/14/81
AUDITOR OF STATE[130]
Real estate loan reporting and disclosure, 127, filed emergency ARC 2417CA..... 10/14/81
COLLEGE AID COMMISSION[245]
Organization and operation, ch 12 ARC 2382N..... 10/14/81
EMPLOYMENT AGENCY LICENSING[350]
Revocation, fees, advertising, contracts, records, forms, 5.4, 6.2 to 6.4, 7.3(1), 8.2, 8.3, 9.3, 10.4 ARC 2435N..... 10/23/81
ENGINEERING EXAMINERS, BOARD OF[190]
Biennial registration, 1.11, 3.1, 3.3, 3.4, 3.8, 3.10, 3.12 to 3.15 ARC 2418F..... 10/14/81
GENERAL SERVICES DEPARTMENT[450]
State communications, ch 3 ARC 2419F..... 10/14/81
IOWA FAMILY FARM DEVELOPMENT AUTHORITY[523]
Individual agricultural development bond program, 2.9 to 2.18, filed emergency after notice ARC 2429F.F.A.N. 10/14/81
Beginning farmer loan program, ch 2 ARC 1733 and ARC 1776 terminated ARC 2428N..... 10/14/81
MERIT EMPLOYMENT DEPARTMENT[570]
Pay for internship appointments, 4.3(1)g ARC 2415N..... 10/14/81
Internship appointment, 3.11 ARC 2416N..... 10/14/81
SOIL CONSERVATION DEPARTMENT[750]
Incentive payments--no-till planting on row cropped lands, 5.20(31), 5.51(1)F, 5.60(1), 5.84(1)G, 5.84(1)H ARC 2450F..... 10/23/81
VOTER REGISTRATION COMMISSION[845]
Voter registration lists, 3.1(1) to 3.1(4), 3.1(6) ARC 2422N..... 10/14/81
Voter registration file update and maintenance requirements, 7.1(4), 7.1(6) ARC 2423N..... 10/14/81

Adjourned

Vice Chairman Priebe adjourned the meeting at 11:50 a.m. The next regular meeting was scheduled for December 8 and 9, 1981.

Respectfully submitted,

APPROVED:

Lavene Schroeder
CHAIRMAN

Phyllis Barry
Phyllis Barry, Secretary
Assisted by Vivian Haag

Date