

**MINUTES OF THE FEBRUARY 2001 MEETING  
OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Date of meeting: A special meeting of the Administrative Rules Review Committee (ARRC) was held Friday, February 9, 2001, in Room 116, State Capitol, Des Moines, Iowa.

Members present: Representative Clyde Bradley, chair; Senators Merlin E. Bartz, John P. Kibbie, and Sheldon Rittmer; Representatives Marcella Frevert, Geri Huser (via telephone) and Janet Metcalf.

Also present: Joseph A. Royce, Legal Counsel; Kathleen K. Bates, Administrative Code Editor; caucus staff and other interested persons.

Convened Chair Bradley convened the meeting at 8:10 a.m. Because of the weather, several agencies were not represented at the meeting.

**PROFESSIONAL LICENSURE DIVISION** Dr. Steve Krause and Chuck Follett represented the board of chiropractic examiners and Chris Kuhn represented the attorney general's office.

ARC 0398B The board of examiners for social workers was not represented at the meeting. The committee received a request to delay a provision relating to continuing education for social workers.

Motion to delay Bartz moved a 70-day delay be placed on subrule 281.3(1).

Motion carried The motion to delay carried.

ARC 0367B Krause reviewed the history of the use of the term "chiropractic physician," including use by the federal government in contracts for military hospitals and use by the American Chiropractic Association, the Council on Chiropractic Education, and the National Board of Chiropractic Examiners. Thirty-one states use the term "chiropractic physician" in their statutes and rules. In addition, the term has appeared in the rules of the board of chiropractic examiners since 1997.

Kuhn addressed statutory authority and inconsistencies and pointed out that the definitions in Iowa Code section 135.1 specifically exempt the chapters that govern the board of chiropractic examiners. In addition, the term "chiropractic physician" is used in Iowa Code section 261.72. Discussion took place regarding the inconsistencies in the Code.

Motion to lift delay Kibbie made a motion to lift the 70-day delay that was imposed at the special meeting held January 29, 2001.

Motion carried The motion to lift the delay carried.

Motion to refer Bartz made a motion that the matter be referred to the General Assembly.

Motion carried The motion to refer carried.

**HUMAN SERVICES DEPARTMENT** Shellie Goldman, Sally Nadolsky and Karla Fultz McHenry represented the department. Scott Setzepfandt of HLR Service Corporation was also present.

ARC 0372B No questions on amendments to ch 1 relating to organization of the department.

ARC 0374B No questions on SSA's annual amendments affecting resources and maintenance needs of the community spouse.

ARC 0375B No action on Medicaid payment for rehabilitation services for adults with chronic mental illness.

ARC 0376B No action on amendments relating to Medicaid payment for services provided by local school districts or through the infants and toddlers with disabilities program.

ARC 0410B The amendment to clarify the department's policy of nonpayment for diet drugs has been proposed. McHenry stated that the department will make payment for the drugs until the amendment is adopted and goes into effect. Bartz requested a written statement from the department regarding its policy and asked that the 42 physicians whose prescriptions had been denied payment be notified that the policy has changed. Bradley suggested that the department provide general notice, rather than notify only the 42 physicians whose prescriptions had been denied. Setzepfandt asked that the committee request a public hearing.

Motion Metcalf moved that the committee unanimously request a hearing pursuant to 17A.4(1).

Motion carried The motion to request a public hearing carried.

ARC 0380B No action on amendments to ch 86, concerning the HAWK-I program.

ARC 0407B No questions on proposed amendments to ch 150 regarding local purchase of service contracting.

ARC 0411B No action on proposed ch 151, juvenile court services directed programs.

Special review The special review of payment for diet medications was included in the review of ARC 0410B.

ECONOMIC DEVELOPMENT DEPARTMENT The department was not represented.

Excused from review: ARC 0401B, ARC 0400B, ARC 0402B, ARC 0403B, ARC 0404B, ARC 0405B

NURSING BOARD The board was not represented.

Excused from review: ARC 0393B, ARC 0394B

NATURAL RESOURCES DEPARTMENT The department was not represented.

ARC 0406B These proposed amendments will be reviewed next month.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT Ron Rowland represented the department.

ARC 0413B No action on proposed amendments to 12.3 concerning renewable fuels and coproducts.

ARC 0414B No questions on the rescission of ch 23.

ARC 0418B No action on amendments to ch 68 pertaining to dairy farms and plants. Bartz asked for information regarding the existence of alternatives for legal samples.

ARC 0417B No questions on the proposed rescission of 76.5 and 76.14.

ARC 0416B No questions on 90.31 and 90.32 regarding emergency storage space for grain warehouses.

ARC 0415B No action on ch 95, civil penalties.

Rowland updated the committee on the status of pseudorabies, now at an all-time low in the state.

**Committee business** Metcalf made a motion that Senator Bartz be elected vice chair of the committee. Kibbie seconded the motion, and the motion carried.

Bartz moved approval of the minutes of both meetings held in January. The motion carried and the minutes stand approved.

Bradley read a letter of thanks from retired Senator H. Kay Hedge.

The next meeting was scheduled for March 9, 2001.

TREASURER OF STATE The treasurer was not represented.

ARC 0408B These proposed rules will be reviewed at a later time.

REVENUE AND FINANCE DEPARTMENT The department was not represented.

Excused from review: ARC 0396B, ARC 0397B, ARC 0421B, ARC 0420B

INSPECTIONS AND APPEALS DEPARTMENT The department was not represented.

ARC 0419B These proposed rules were excused from review at this time.

SUBSTANCE ABUSE COMMISSION The commission was not represented.

ARC 0382B These rules were excused from review.

EDUCATIONAL EXAMINERS BOARD The board was not represented.

ARC 0377B These proposed amendments were excused from review at this time.

ARC 0378B These amendments will be reviewed at the March meeting.

CORRECTIONS DEPARTMENT The department was not represented.

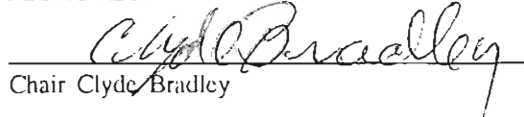
Special review The review of inmate telephone charges, 20.20, will be rescheduled for the March meeting.

Adjourn The meeting was adjourned at 11 a.m.

Respectfully submitted,

  
Kathleen K. Bates

APPROVED:

  
Chair Clyde Bradley

  
Vice chair Merlin E. Bartz