

# **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 Tuesday, April 16, 1996, in Room 22, State Capitol, Des Moines, Iowa.

Members present:    Senator Berl E. Priebe and Representative Janet Metcalf, Co-chairs; Senators H. Kay Hedge, John P. Kibbie, William Palmer, and Sheldon Rittmer; Representatives Horace Daggett, Minnette Doderer, Roger Halvorson, and Keith Weigel.

Also present:        Joseph A. Royce, Legal Counsel; Kimberly McKnight and Cathy Kelly, Administrative Assistants; Caucus staff and other interested persons.

Convened:            Co-chair Priebe convened the meeting at 7:30 a.m.

**HUMAN SERVICES**      Mary Ann Walker, Wayne Johnson, and Denise Middleswart represented the Department, and Patricia Hemphill, Attorney General's Office, was present for the following:

## **HUMAN SERVICES DEPARTMENT[441]**

SSI cost-of-living, community spouse resources and maintenance needs, personal needs allowance for RCF residents, 51.4(1), 51.7, 52.1(1), 52.1(2), 52.1(3)"a"(2), 75.5(3)"d," 75.16(2)"d"(3),  
Filed ARC 6289A ..... 3/13/96

Refugee program, 60.1(1)"g" and "h," 60.8, 60.8(1)"b," "c," and "f" to "h," 60.8(2), 60.9(1)"g" to "i," 61.1, 61.3, 61.5(2), 61.5(3), 61.5(9), 61.5(13), 61.8(4), 61.12, 61.15, 61.15(6)"a,"  
Filed ARC 6290A ..... 3/13/96

Child support — paternity, 95.17, ch 99 preamble, 99.1 to 99.5, 99.36 to 99.39, 99.41(10), 156.1, 156.2, 156.2(7), 156.3 to 156.5, Filed ARC 6291A, see text IAB 12/20/95, pages 1002 and 1009 ..... 3/13/96

Support enforcement services, 98.5, 98.7(2), 98.7(3), Filed ARC 6292A ..... 3/13/96

51.4(1) et al.        No questions on 51.4(1) et al.

60.1(1)"g" et al.    Daggett asked if amendments to Chapters 60 and 61 included aliens. Johnson replied only legally admitted refugees involved in the Department's program were included. No Committee action.

95.17 et al.        Walker stated the Department received no comments concerning the guidelines set forth in Chapter 99 but did receive comments on disestablishment of paternity. Those comments pertained to receiving a refund for support previously paid if paternity was disestablished and whether the Department should forgive unpaid support owed to the custodial parent.

Priebe raised the question of whether a man who had paid child support for five years and was subsequently determined not to be the biological father could obtain reimbursement. Middleswart stated no money previously paid on a judgment would be returned by the child support recovery unit.

Daggett asked if it was prudent to have Iowa law restrict CSRUs involvement in the disestablishment process. Hemphill responded that Iowa involvement protects federal funding and establishes goals of the unit in ascertaining paternity and locating the biological father.

Daggett pointed out the wordings, "It then will be the responsibility of the nonrequesting parent whether to cooperate with the disestablishment action" and questioned the involvement of the nonrequesting parent. Hemphill stated the Department concentrated on establishment orders and getting the child support

DHS (Cont.) paid and distributed to the appropriate parties. Such functions would be diminished if an obligor believed he was not the father and asked the Department to actively explore that possibility.

In response to Priebe, Hemphill stated either parent could demand a blood test.

98.5 et al. No questions on 98.5 et al.

## **MEDICAL EXAMINERS**

Dennis Carr and Ann Martino represented the Board and Bill Crews, Physician Assistant Board, Greg Kolburger and Bill Case, P.A. Society, Keith Luchtel and Paul Bishop, Iowa Medical Society, Ed Friedmann, Iowa Association of Rural Health Clinics, Dave Carlyle, Iowa Academy of Family Physicians, Don Avensen, P.A.s, and Marge Bledsoe, Iowa Department of Public Health, were also present for the following:

### **MEDICAL EXAMINERS BOARD[653]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Child support noncompliance, 1.13(4), 12.4(30), ch 15, Filed ARC 6316A,

see text IAB 1/3/96, page 1125 ..... 3/13/96

Licensure, discipline, 11.3(1)"d" and "e," 11.4(4)"b," 12.50(2) to 12.50(4), Filed ARC 6315A..... 3/13/96

Category I activities, accreditation of sponsors, 11.10, 11.13, Filed ARC 6317A..... 3/13/96

Licensure renewal fees, 11.31(3), 11.31(7), 11.31(9), 11.31(13), 11.32(1)"b," Notice ARC 6319A . 3/13/96

Eligibility for physician assistant supervision, ch 21, Filed ARC 6318A ..... 3/13/96

1.13(4) et al. No questions on 1.13(4), 12.4(30) or Chapter 15.

11.3(1)"d" et al. No questions 11.3(1)"d" et al.

11.10 and 11.13 No questions on 11.10 or 11.13.

11.31(3) et al. Martino stated the purpose of the change in the rules to Chapter 11 was to increase the Board's revenue to cover the costs of license regulation in the state. Martino noted the increase was necessary due to the cost of disciplinary hearings that had increased by 50 percent.

Doderer referred to a newspaper item regarding Dr. Herbert Remer and stated some people thought the Board was overzealous in its investigations. She requested a report from Martino to the ARRC on this case.

Martino noted the Board had last increased fees in 1986 and, in response to Halvorson, said the expected increase would total approximately \$300,000 every two years. The Board anticipated it would be ten years before another fee increase would be needed. The Board's current revenue was \$1.1 million and the change would increase this to \$1.4 million. Priebe pointed out any carry-over would revert to the general fund.

The Iowa Medical Society and the Iowa Osteopathic Medical Association supported the increase in fees and believed that doing this once in a ten-year period was appropriate instead of incrementally raising fees on a frequent basis.

When Kibbie asked what the balance was at the end of the last fiscal year, Martino stated that as a result of user fees paid at the end of the year, the balance was \$4,000.

Martino stated it was the Board's belief the number of disciplinary hearings would gradually diminish as physicians accommodated themselves to the transition toward managed care.

MEDICAL EX.  
(Cont.)

Priebe noted the Code was very specific that the Board could not overcharge. Martino responded that the Board was asking for an additional \$65,000 in appropriations which would ensure that it would not have a deficit budget next year.

Doderer inquired how many doctors were working under managed care at the current time as opposed to five years ago. Martino did not know what the statistics were for the state, but noted the Board had been asked to participate in a study in which licensees would be asked to indicate the number of managed plans to which they belonged. This information would be available next year.

Kibbie asked how many unpaid bills from the fiscal year were not covered. Martino responded none.

Ch 21

Martino believed the controversy surrounding the eligibility for physician assistant supervision in Chapter 21 was due to a misunderstanding. Determinants of eligibility would apply only to physicians who had not yet been authorized to supervise in Iowa. The changes posed no threat to the due process of physician assistants and doctors, and the Board would not revoke anyone's eligibility. Martino noted a supervising physician was required to be reauthorized by the Board and had to complete forms and provide any information deemed necessary to determine continued eligibility to supervise. A physician's license could not be revoked because of this information, but it could become the basis for filing charges. The Board of Medical Examiners retained control over the supervising physician and the new rules eliminated unnecessary and duplicative paperwork.

Motion to Delay

Kibbie made a motion to delay the rules for 70 days. Martino indicated the Board would clarify the language.

Crews expressed concern whether it was the intent of the legislature that any licensed doctor could supervise a physician assistant unless that doctor was found ineligible. He noted the doctor could continue to practice if the ability to supervise was withdrawn but the physician assistant could not. Doderer interjected there should be another way to solve the problem than to assume the physician assistant was guilty of that which the doctor had been accused.

Although not opposed to use of a roster, Friedmann did object to the additional paperwork and cost. He stated that in approximately 70 to 80 small communities the physician assistant may be the only source of medical care. He felt the term "authorized to serve as a supervising physician" needed to be clarified.

Rittmer asked if a doctor lost a license to practice whether a grace period would be appropriate for a physician assistant. Martino believed adequate notice existed and seldom was a license revoked.

Priebe asked if a supervising physician died suddenly whether the physician assistant would be able to practice and whether the community would be without medical care. Martino responded there were 5,000 licensed practicing physicians, 2,200 of whom were approved as eligible to supervise, and 350 physician assistants. The Board determined these rules would exclude approximately 100 physicians. Crews added very few physician assistants had only one supervising physician.

Kibbie stated these rules needed to be absolutely clear. He had continued concern for the small communities with physician assistants and felt a mechanism was needed so that the physician assistant could continue to take care of patients even though there was no supervising physician available at the time. Martino expressed uncertainty that Board rules could address this issue and believed a change in statute would be required. Kibbie stated this should be recommended by the Board.

MEDICAL EX.  
(Cont.)

Luchtel evinced concern over the due process issue.

Carlyle pointed out contingency plans always existed between a physician and a physician assistant because of vacations and continuing education. He favored the idea of a roster.

Daggett asked about the supervising role and the various branches of medicine. Crews stated the Physician Assistant Board tried to match the scope of practice for the physician assistant to that of the supervising physician.

In response to Weigel, Martino replied they would reference the existing provisions in the rules on due process and would clarify that it was applicable to initial authorization.

Priebe asked if this could be done in 70 days and was told that it could.

70-Day Delay

The motion for a 70-day delay on ARC 6318A carried.

Travel Request

Priebe requested approval for expenses to attend CSG meetings in Wisconsin and South Dakota. Halvorson made a motion to approve and the motion carried.

May Meeting

The May meeting was scheduled for May 14 and 15, 1996.

Adjourned

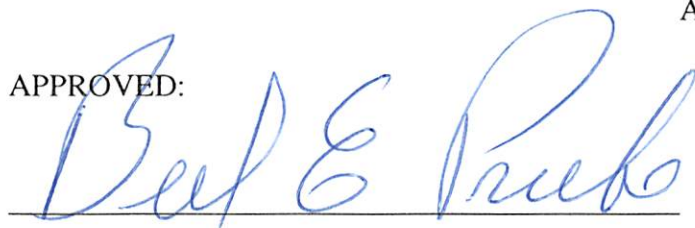
The meeting was adjourned at 8:30 a.m.

Respectfully submitted,



Cathy Kelly, Acting Secretary  
Assisted by Kimberly McKnight

APPROVED:



Senator Berl Priebe, Co-chair