

JUNE 2006 ARRC Meeting

Summary of Issues

Chairperson: Representative George Eichhorn

Vice Chairperson: Senator Jack Kibbie

AGRICULTURE AND LAND STEWARDSHIP, Grape and wine development, 05/24/06 IAB, ARC 5118B, NOTICE.

Background: Code Chapter 175A establishes a program assisting the Iowa wine industry in establishing, improving, and expanding wineries, vineyards and winemaking operations. Services are provided by the department, with oversight by the grape and wine development commission. There are approximately 58 wineries in Iowa.

Commentary: Department representatives stated that Iowa was far behind Missouri, which has had a promotional program for decades; however, it was noted that Iowa had had now recruited a number of skilled experts to provide technical assistance. Technical assistance includes improving the quality and the productivity of the vineyard and assistance with the winemaking process itself.

Under this new program financial assistance is also available from a state fund of \$250,000. Assistance is limited to \$10,000; however, this amount can be increased to \$25,000, with the mutual consent of the commission and the department; this assistance can be a loan, forgivable loan, cost share, indemnification of costs, or any combination. Assistance is available, for use in Iowa, for persons beginning or engaged in grape growing or winemaking. A business plan is required to demonstrate the viability of the proposed business. The rules set out criteria both for the approval and rejection of an application for assistance. Financial assistance is also available to help offset losses resulting from fire, damaging weather, natural occurrence, or a related condition.

ACTION: No action taken.

ENVIRONMENTAL PROTECTION COMMISSION, Clean air permits, SPECIAL REVIEW.

Background: 567 IAC chapter 22 provides for the permitting of major sources of air pollution. The rules provide an exception to this requirement for "*an internal combustion engine with a brake horsepower rating of less than 400...*". The issue was raised that permits may be required for implement dealers who repair large tractor and other farm implement engines.

Commentary: Modern farm equipment increasingly uses engines with more than 400 horsepower, raising the possibility that dealer repair facilities which work on those larger farm implement engines (such as a tractor) might be required to obtain an air quality permit for the vent stack they use to vent the exhaust. Committee members noted that the intention of the permitting program was to regulate stationary sources of pollutants, and that these same engines, when operating in the field, were not required to have a permit. EPC official agreed that the permitting program was not intended to cover situations where engines were being repaired and briefly tested. It was agreed that the EPC would continue discussions with the effected groups and resolve this issue.

Action: No action, further review when additional rules are prepared.

HUMAN SERVICES DEPARTMENT, Personal needs allowance for care facility residents, SPECIAL REVIEW.

Background: Periodically the department amends the state Medicaid plan to reflect statutory and other changes that impact the program. Such changes must be approved by

the federal government; that process can be lengthy and significantly delay the implementation of the changes.

House File 2734 contains a mandate that *"beginning July 1, 2006, the department shall increase the personal needs allowance under the medical assistance program which may be retained by a resident of a nursing facility to fifty dollars."* This allowance, currently thirty dollar, is the sum of money Title XIX care facility residents may keep for their personal needs. The cost of this change will be \$1,000,000 state dollars and \$2,000,000 federal dollars.

Commentary: Department representatives told the committee that the state Medicaid plan must be amended if federal dollars are to be used for this change and that the amendment process will make it impossible to implement the change on July 1st, because the overall revision to the Medicaid plan is not yet complete and federal approval will take additional time.

Committee members and department representatives discussed alternatives to speed the implementation process. One alternative was to file the special needs allowance as a completely separate amendment to the Medicaid plan; that proposal was impractical because federal approval would still be required prior to implementation. At best federal approval might take up to 90 days, and questions raised by federal administrators could extend this date even further. A second alternative was to immediately fund the change, using 100% state funds, and then repay the state funds when the plan is approved. Department representatives agreed to consider alternatives that would allow a July 1 implementation date for the personal needs increase.

Action: No formal action-subsequent to the meeting department representatives determined that it would be feasible to implement the increase using state funds, with later reimbursement when the Medicaid plan is approved. Further action pending.

HUMAN SERVICES DEPARTMENT, Proof of legal presence, 05/10/06 IAB, ARC 5101B, FILED WITHOUT NOTICE.

Background: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 USC 1621, §411) provides that only citizens or persons who have "national" status (lawfully admitted aliens) may obtain public benefits.

Commentary: These rules set out a variety of documents that can be used; for example, a birth certificate in combination with some other identification, such as a driver's license. Committee members questioned how fraudulent documentation was handled. Department representatives stated that the department was not required to ascertain the validity of the documents themselves, and that in some cases, particularly with children, clients had no documentation of any type. Cases of obvious fraud would be turned over to the fraud unit.

Action: No action taken.

MEDICAL EXAMINERS BOARD, Collaborative practice with pharmacists, 05/24/06 IAB, ARC 5097B, NOTICE.

Background: By written agreement between a physician and an authorized pharmacist a drug therapy management plan may be established for one or more of the physician's patients. Using this "protocol" a supervising physician may delegate aspects of drug therapy management to an authorized pharmacist.

Commentary: The rules set out 17 specific items that must be addressed in a community practice protocol; in part these items specifically list the activities which the pharmacist

may perform under the protocol. These rules will be complimented by a similar set promulgated by the Board of Pharmacy Examiners; a notice of that proposal was published in February, 2006, with final action still pending.

Next Meeting. The July committee meeting will be held on Tuesday, July 11th, 2006, 9:00 a.m. in the Statehouse, Room #24.

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