



MINUTES

OCTOBER 2024 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Klimesh, Chair
Senator Mike Boussetot
Senator Chris Cournoyer
Senator Cindy Winckler

Representative Michael R. Bergan, Vice Chair
Representative Amy Nielsen
Representative Rick L. Olson
Representative David E. Young

EX OFFICIO, NONVOTING MEMBER: Steve Blankenship, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Kate O'Connor, Division Editor/Supervisor, 515.281.6329

BULLETINS NEEDED FOR THIS MEETING: 9/18/24

Procedural Business

Senator Klimesh convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 11 a.m. on Tuesday, October 15, 2024, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the September 9, 2024, meeting were approved. The next meeting was scheduled for Friday, November 8, at 11:00 a.m. The meeting was adjourned at 11:45 a.m.

Fiscal Overview

Mr. Chris Ubben, Division Editor/Supervisor, presented the LSA fiscal report.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

ATTORNEY GENERAL

Representing the agency: Daniel Breitbarth, Susan Krisko

ARC 8220C (NOIA), Crime Victim Assistance Program, Ch. 9

Committee members asked if the Attorney General's Office had received any feedback or input on the changes to the victim advocate program. Ms. Krisko responded that feedback was received from sexual assault nurse examiners, police, advocacy groups, sexual assault survivors, and from a public forum held by the Attorney General's Office. Members asked if the feedback was positive. She responded that the feedback was positive for the most part. Members asked for further explanation of the negative feedback that was received. She responded that some entities were not happy that unqualified individuals, meaning those that had not received the required training, would not receive the \$400 provider fee for conducting a sexual assault examination (SAE). The goal of the SAE program was to ensure that evidence was efficiently and effectively collected and available to prosecutors and law enforcement if a victim later reports the crime. She explained that following an examination checklist and having a medical degree, or being able to read, were not enough to meet the standards of a sexual assault nurse examiner (SANE). She further explained that medical schools do not train on different types of sexual violence, best practices for dealing with vulnerable patients, delayed disclosure and recantation situations, victims' responses to crisis intervention, strategies for interactions with a victim's family, collaboration with community agencies, and other topics. She stated that on average doctors spend 19-25 minutes with a patient in an emergency room situation, while a SANE spends three to four hours. She further stated that the Attorney General's Office wanted to make sure that any evidence collected would be admissible in court.

Members asked where the required training could be obtained. Ms. Krisko responded that a person in Iowa conducts the training and it is available online. She stated that if an untrained individual was going to conduct a sexual assault examination they should tell the victim that the evidence being collected may not be admissible in court due to the individual's lack of training. Members asked if she was suggesting that a victim in an emergency room must cross-examine a medical professional in the emergency room about their qualifications and be forced to make a decision to wait until a trained individual could drive from Des Moines or another location to conduct the examination. She replied that the goal was to make sure that the evidence collected was admissible in court. She said that sometimes required someone to drive to perform an SAE; however, this allowed the Attorney General's Office to use money that had been set aside to pay individuals who had been properly trained to perform an SAE. She stated the victim could make the choice to have an individual who is not trained perform the SAE; however, the untrained individual would not be paid the \$400 provider fee. Members asked if there was a hotline in small town emergency rooms a medical professional could use 24/7 to contact a trained individual to perform an SAE. She replied that there were trained individuals available 24/7 who could perform an SAE. Members asked if the purpose of this rule change was really about the money and not wanting to pay an individual \$400 if they had not been trained to conduct an SAE. She responded that was incorrect, that it was about treating victims like they should be treated. Members stated that was a "broad brush" and asked if she was suggesting that no emergency room doctors have had the proper training. She replied that medical doctors did not receive the necessary training in medical school; however, they could receive the training required by the rules. Members asked for confirmation that the training was only conducted by one person in the state. She affirmed that was correct. She stated that it was taught multiple times throughout the year and there were four trainings available before March 2025. Members asked how long the training was and how it is conducted. She stated that it is offered in person or online and is 40 hours. Members asked for confirmation that an individual was required to complete 40 hours of training to qualify to receive \$400 to perform an SAE. She responded that an individual must complete 40 hours of training, and continuing education, to provide the best care possible to a sexual assault victim who is in trauma.

Members asked how the victim compensation fund is funded. Ms. Krisko replied that the money came from various sources, including federal funds, allocations from the legislature, and from court fines and fees. Members asked for examples of how the money is distributed and she provided some examples. Members stated that it was impactful that money goes to victims to keep them safe in their homes. Members asked how much money was currently in the victim compensation fund. She stated that she did not know the exact amount but that the amount awarded to individual victims was set by legislation. Members asked if shorting the fund by \$3.5 million would affect victims and how \$3.5 million would help victims. Mr. Breitbarth responded that the state annually appropriates \$5 million to

the victim compensation fund and historically has also annually received \$5 to 5.5 million from the federal government. In addition, restitution paid by perpetrators of crimes was put into the fund. Members stated that if the fund was shorted \$3.5 million that would affect victims, and that fines and fees paid by criminals needed to go to the criminals' victims.

Members stated that the rules changed the number of counseling sessions for a victim that would be paid by the state from the first 12 counseling sessions, to only the percentage of each session that treated the crime-related trauma and not preexisting mental health issues. Members asked how it would be billed if it was trauma-informed care, and how the provider treating the victim would parse the treatment related to the crime-related trauma. Ms. Krisko replied that trauma-informed care referenced SANE which was a separate issue. She explained that a victim's counselor would need to parse the part of a victim's counseling sessions that were directly related to the crime. Members asked if that was the standard prior to the rulemaking. She replied in the affirmative. Members asked if federal Victims of Crime Act (VOCA) funds were paying for staff only, or are dollars put toward services. She stated that if a counselor already received VOCA funds for providing services the state did not also reimburse for the services using state funds.

Ms. Amy Campbell, speaking on behalf of the Iowa Nurses Association, expressed gratitude to the Attorney General's Office for including SANE in the development of the rules. She explained that there are nurses who already conduct SAE because it is the right thing to do. However, the nurses had lost money because they drove to rural Iowa for a victim and were not reimbursed for travel and were paid below their normal rate to perform a four to five hour SAE. She stated that the increased rates in the rules would attract more SANE in rural and urban areas. She expressed that it was her understanding that the final rulemaking would correct the inadvertent omission regarding good-cause waivers for 72-hour law enforcement notification.

No action taken on ARC 8220C.

UTILITIES COMMISSION

Representing the agency: Jon Tack

ARC 8213C (NOIA), Ratemaking Principles Proceeding, Ch. 41

Committee members asked if lease of assets referred to assets constructed by another entity and turned over to the commission by a purchase power agreement. Mr. Tack responded that it may refer to either a purchase power agreement or a tax financing arrangement. Members asked how much weight the commission gives to whether an asset built by another entity is available to integrate into the existing grid. He responded that advance ratemaking was reviewed prior to construction and the timing of the connection of the asset was not considered. Members asked if the same review process was used by the commission to determine if a leased asset was the best mix of energy as was used to evaluate assets that were not leased. He responded that decisions were based on the overall impact to customers. Members asked when the commission last denied an advance ratemaking claim. He stated that Alliant Energy had initially been denied but was subsequently approved after a rehearing. He explained that generally the commission identified the barriers to approval and a way to obtain approval could be determined. Members asked if the path to approval ever required a change in the type of utility being proposed. He stated that the battery portion of an Alliant Energy proposal had been rejected; however, legislation in the 1970s and 1980s allowed utilities to receive advance approval and that usually prevented rejection of a proposal after a utility is constructed.

No action taken on ARC 8213C.