



MINUTES

APRIL 2025 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Klimesh, Vice Chair
Senator Mike Boussetot
Senator Sarah Trone Garriott

Representative Chad Ingels, Chair
Representative Amy Nielsen
Representative Rick L. Olson
Representative Michael V. Sexton
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: 3/5/25, 3/19/25, 4/2/25

Procedural Business

Representative Ingels convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10:05 a.m. on Monday, April 7, 2025, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the February 10, 2025, and March 10, 2025, meetings were approved. The next meeting was scheduled for Monday, May 19, 2025, at 10 a.m. The meeting was adjourned at 10:50 a.m.

Fiscal Overview

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

NATURAL RESOURCE COMMISSION

Representing the agency: Michelle Wilson

ARC 9061C (NOIA), Resource Enhancement and Protection Program: County, City, Private Open Spaces and Conservation Education Grant Programs, Rules 33.4(3), 33.19-33.30

Committee members asked why the commission is referring to private schools rather than nonpublic schools in 571 IAC 33.20. Ms. Wilson stated that she was not sure but that the program would be open to any formal, informal, public, or private school. She further stated that she would ask the commission's legal counsel to review the rule, and she would follow up with the committee.

No action taken on ARC 9061C.

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).

UTILITIES COMMISSION

Representing the agency: Cheyanne Whisner

ARC 9089C (AF), Restoration of Agricultural Lands During and After Pipeline Construction, Ch. 9

Committee members stated that there were a fair number of public comments on the rulemaking and asked if the parties that commented were satisfied with the rulemaking. Ms. Whisner replied that many of the comments were regarding a particular project that was before the commission, and the remaining comments were discussed with the commenting parties at public hearings.

No action taken on ARC 9089C.

EDUCATION DEPARTMENT

Representing the agency: Thomas Mayes

ARC 8982C (AF), Accredited Schools and School Districts — Parental Rights, Age-Appropriate Library Programs, Gender Identity and Sexual Orientation, Rule 12.3

No discussion on ARC 8982C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Victoria Daniels

ARC 9084C (AF), Stroke Care Reporting, Ch. 146

Committee members asked if it would be helpful to have level II-thrombectomy-capable stroke centers included in the data collection. Ms. Daniels responded that it might be helpful and the department would not be opposed to legislation that allowed for inclusion of the stroke centers in the data collection.

No action taken on ARC 9084C.

AGING, DEPARTMENT ON

Representing the agency: Victoria Daniels, Shan Sasser

ARC 9003C (NOIA), Commission on Aging; Aging and Disability Resource Center, Chs. 3, 23

Committee members stated that they were concerned about the elimination of the Commission on Aging as it took away an important public forum to highlight community needs for Iowa's aging population to ensure the best quality of life and outcomes. Members asked if there were plans to create a public input forum within the Iowa Department of Health and Human Services. Ms. Sasser replied that public comment and input could be provided through the area agencies on aging as the agencies provide area plans and area plan updates annually, and individuals could work through the advisory council or attend public hearings. She also stated that public comment was currently available on the four-year state plan on aging. In addition, 45 C.F.R. 13.21 required that the department submit its policies and procedures for public comment and hold a public hearing at least once a year. The department's council also reviewed any materials produced by the Division of Aging and Disability Services when the state plan was available for public comment and acted as aging and disability services' advisory board. Members asked when the state plan would be available for public comment. She replied that it was posted for public comment on March 3 and would be available for public comment until it was submitted to the federal Department of Health and Human Services. Members stated that the uncertainty surrounding aging services at the federal level could affect plans at the state level. She responded that the state could initiate an amendment to the plan at any time.

No action taken on ARC 9003C.

HUMAN SERVICES DEPARTMENT

Representing the agency: Victoria Daniels, Joe Campos, Ryan Page, Dawn Kekstadt

ARC 9018C (NOIA), Disability Services Definitions; Disability Services Advisory Councils; Disability Services; Aging and Disability Resource Centers; Data Collection, Chs. 221-224, 229

Committee members asked for clarification regarding exemptions for resource limits for the family of a child seeking children's disability services. Ms. Kekstadt affirmed that the department provided exemptions for certain assets so that families could access the services. Members stated that there were no exemptions to income or asset limits in the rulemaking. She replied that the resource exemptions were listed in 441 IAC 223.1(2)(c). Members asked if it would be necessary to qualify under income and asset requirements to access system navigation support. She replied that disability access points have system navigation support and options counseling, and income and asset requirements would not need to be met to access either.

No action taken on ARC 9018C.

ARC 9021C (AF), Child Care Centers, Ch. 109

Committee members asked about the public comment regarding age requirements for caregivers and stated that legislation had not been enacted to permit unsupervised individuals to care for children over the age of two. Ms. Page responded that two years ago there had been legislation enacted to allow 16 and 17 year olds to care for school-aged children, and the last survey the department conducted indicated that approximately 50 percent of child care facilities utilized that option. Members asked how the term "school-aged children" was defined. She stated that it meant a child enrolled in kindergarten or higher. Members asked if the rulemaking allowed 16 and 17 year olds to care for children aged two to five. She responded that it was allowed during structured napping hours and during brief absences of five minutes or less. Members asked if that was permitted by legislation. She replied in the negative.

Members stated that the legislature considered the issue two sessions in a row and the proposed bill had not passed. As it was not a direction the legislature had chosen to take, members asked what authority the department had for the rulemaking. Other members stated that they supported the direction that the department had gone with the rulemaking, that it would help with child care issues in the state, and suggested that agencies had broad rulemaking authority. Members stated that the department was required to implement what the legislature authorized. Members stated that quality and safety were the most important aspects of child care and that standards should not be lowered.

No action taken on ARC 9021C.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Emily DeRonde, Jeremiah Junker

ARC 8978C (ANOIA), Standards—Practice of Pharmacy, Ch. 552

Committee members asked for an explanation of what a compounded chemical is. Ms. DeRonde replied that it is when two drugs are combined to make another drug, and that compounding occurred at a pharmacy. Members asked if the department received public comments regarding the removal of the prohibition on compounding pharmaceuticals. She stated that no public comments were received. Members asked if it would be possible for a pharmacy to compound a drug for a specific individual that differed from a drug that would normally be dispensed. Members also asked if it would be possible to compound a drug that was currently patented. She replied that if a patented drug was on the federal shortage list a pharmacy could compound the drug. Members asked for more clarification before the rulemaking is next before the committee on what the rulemaking actually allows, and clarification that the rulemaking would not allow compounding of patented drugs approved by the federal Food and Drug Administration. She replied that she would follow up with the committee.

No action taken on ARC 8978C.

ARC 9022C (AF), Health Care Employment Agencies and Health Care Technology Platforms, Ch. 55

No discussion on ARC 9022C.