



MINUTES

MAY 2025 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Klimesh, Vice Chair
Senator Mike Boussetot
Senator Dan Dawson
Senator Sarah Trone Garriott
Senator Cindy Winckler

Representative Chad Ingels, Chair
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: 4/16/25, 4/30/25

Procedural Business

Representative Ingels convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10:05 a.m. on Monday, May 19, 2025, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the April 7, 2025, meeting were approved. The next meeting was scheduled for Monday, June 16, 2025, at 10 a.m. Mr. Blankenship presented Ms. Tracy George, who is retiring from the Department of Transportation, with a certificate signed by the Governor that expressed appreciation for Ms. George's 40 plus years of service to the state. Mr. Ewing also expressed his appreciation for Ms. George's many years of work with the committee. The meeting was adjourned at 11 a.m.

Fiscal Overview

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

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

Representing the agency: Colin Tadlock

ARC 9145C (AF), Pesticides, Ch. 45

Committee members asked about the prohibition on oral examination as the bill that had been submitted by the department had provided for oral examination if allowed by federal law. Mr. Tadlock explained that the rulemaking changed "shall" to "may" to allow the department to permit oral examination if provided by federal law.

No action taken on ARC 9145C.

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).

IOWA FINANCE AUTHORITY

Representing the agency: Lisa Connell, Terri Rosonke

ARC 9190C (NOIA), Shelter Assistance Fund, Ch. 41

Committee members asked what funding the authority had available to distribute to homeless shelters. Ms. Connell replied that the authority had \$2.9 million in combined state and federal funds. Ms. Rosonke stated that the shelter assistance fund program (shelter program) received about \$1.5 million in state funding and the federal emergency solutions grant program (federal program) provided an additional \$3 million. Members asked if federal funding would still be available under the current administration. Ms. Rosonke replied that currently federal funding was still available. Members asked her to advise the committee if federal funding was reduced prior to the rules becoming final.

Committee members asked about the reference to the federal definition of “private nonprofit organization” and if the definition had changed. Ms. Rosonke replied that the federal program required a dollar-for-dollar state match and the shelter program covered about half of that requirement. The rest of the match requirement was passed on to the authority’s subrecipients. She explained that was the main reason that the shelter program needed to mirror the federal program and it was necessary to reference the federal definition. Ms. Connell clarified that the shelter program had always been administered in the same fashion; however, the federal definition had not previously been specified. No action taken on ARC 9190C.

EDUCATION DEPARTMENT

Representing the agency: Thomas Mayes

ARC 9104C (AF), Practitioner Preparation, Rules 79.13-79.15, 79.24

Committee members asked if the three-cueing method (three-cue) would be eliminated from special education instruction. Mr. Mayes replied that if three-cue was being used by an instructor to teach reading to a child with a learning disability in reading that would be considered foundational reading whether it was an all-child exercise or specially designed instruction for a specific child. In addition, to meet federal requirements any specially designed instruction for a child with a disability needed to be supported by peer research, and three-cue had been disproved for reading via peer review. He explained that three-cue might be useful for learning vocabulary or a second language for an already proficient reader. Members asked if three-cue would need to be included in a student’s individual education program (IEP) due to three-cue being prohibited by rule. He responded that an IEP should indicate what should be done, rather than what should not be done, and an IEP should call for explicit systemic instruction in reading and three-cue is neither explicit or systemic. He stated that committee members’ questions raised important points regarding implementation of the rulemaking and communication to practitioner preparation programs, and he would take the committee’s feedback to the department to ensure that appropriate communication occurred to the special education side of practitioner preparation. Members asked if the department would communicate with individuals in the field regarding changes to practitioner preparation. He responded that the department’s rulemaking on illiteracy and implementation from last session, combined with the Math Counts Act, clarified that for all students, including those with disabilities, only evidence-based methods may be used to teach reading.

Committee members asked for an explanation of the three-cue method. He responded that three-cue might involve such things as identifying the words around a word an individual is trying to learn, identifying the context of a word, looking at a picture of a word, or identifying if a word starts with the same letters as a word the individual already knew. As to why three-cue does not work, he gave the example of “cat” and “category” as words that start with the same letters but do not have the same meaning.

No action taken on ARC 9104C.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Amy Oetken

ARC 9152C (AF), Bingo, Ch. 103

No discussion on ARC 9152C.

NURSING BOARD

Representing the agency: Emily DeRonde

ARC 9164C (AF), Advanced Registered Nurse Practitioners, Ch. 7

No discussion on ARC 9164C.

HUMAN SERVICES DEPARTMENT

Representing the agency: Victoria Daniels, Anna Casteel, Bridget Burke

ARC 9105C (AF), More Options For Maternal Support (MOMS) Program, Ch. 164

Committee members stated that Iowa Code language provided that pregnancy support services (services) included medical information and referrals for medical care, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screenings, ultrasound services, prenatal care, and birth classes and planning, and then asked if pregnancy tests were medical services. Ms. Burke stated that pregnancy tests were not paid for with MOMS funds. Members asked how it would be made clear in reporting on the use of MOMS funds that services provided for in the Iowa Code are not paid for by the MOMS program. Members also asked how services would be handled regarding the federal Health Insurance Portability and Accountability Act (HIPAA) if the services were not considered medical services. She replied that she is a new program manager, would look into the matter, and report back to the committee. Members asked if individuals accessing services that are not using MOMS funds would receive a HIPAA disclosure form. She replied that she would obtain that information and get back to the committee. Members stated that it would be confusing for the public to understand how MOMS money was spent and how that affects the public's privacy rights. Members asked for clarification of MOMS oversight of individuals working at pregnancy resource centers (centers) who wore clothing, such as lab coats, that indicated they are medical professionals, and individuals who provide medical services. She replied that when she visited a center the executive director had not been dressed like a medical professional, and there were separate rooms in which a nurse would provide services not funded by MOMS. Members asked if MOMS funds the physical location for each center. She replied yes in part, there were also private donors, and MOMS funds evidence-based practices for parenting classes and other social services. Members stated that a report concerning all funding for the centers and the services provided would be very helpful to make MOMS less confusing for the public, and to make it clear that MOMS does not provide health care.

Committee members asked if Innervisions in Des Moines was a center. Ms. Burke replied that to her knowledge it was not a center. Members asked if MOMS was using evidence-based practices. She affirmed that was the case. Members asked that she speak to how evidence-based practices were better for the patient. She stated that she would get that information for the committee but was not currently prepared to share that data.

Dr. Tanja Garrison, a member of the public, asked why services provided by MOMS were not considered health care. Ms. Burke replied that the agencies were doing nontherapeutic options counseling, the centers made referrals for any necessary medical services, and those referrals were tracked.

Committee members stated that the department revised the program administrator definition after the two public hearings and asked how the public would know about the change. Ms. Daniels responded that the change was published in the Iowa Administrative Bulletin, and she further stated that the change was the intent of the law passed in 2024. Members stated that the rulemaking did not contain the revised public administrator definition when the public hearings were held and asked how the public would know about the change. She replied that the revised definition was in the law that had passed.

No action taken on ARC 9105C.

ARC 9185C (NOIA), Medicaid for Employed People with Disabilities Program—Premium Amounts, Rule 75.1(39)(b)(3)

Committee members asked for an explanation regarding income levels and eligibility for the program. Ms. Casteel stated that the premium schedule in the rulemaking showed the federal poverty level (FPL) limit for premiums. She explained that while FPL limits for the program took into consideration the income of the individual applicant as well as the income of members of the individual's household, the department looked only at an applicant's income to determine the appropriate premium. Members asked what other items affected an individual's eligibility for the program. She stated that there were a variety of financial and nonfinancial requirements for an individual to be eligible including having a diagnosed disability, meeting an asset test of \$12,000 for an individual or \$13,000 for a married couple, and being employed or obtaining employment within a specified time. In addition, an individual had to be a resident of Iowa and a citizen of the United States or a qualified noncitizen, as well as meet several other requirements.

No action taken on ARC 9185C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Victoria Daniels

ARC 9123C (AF), Emergency Medical Services — Providers — Initial Certification — Renewal and Reactivation — Authority — Complaints and Investigations, Ch. 131

Committee members asked for further explanation of the standardized appeals process. Ms. Daniels stated that the standardized process was due to several departments being moved under one agency and the subsequent alignment of the departments' disparate appeal processes under 441 IAC 7. She further stated that the rulemaking was a reflection of the department's current practice.

No action taken on ARC 9123C.