



# MINUTES

## DECEMBER 2025 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

---

### MEMBERS PRESENT

Senator David D. Rowley, Vice Chair  
Senator Mike Bousselot  
Senator Dan Dawson  
Senator Sarah Trone Garriott  
Senator Cindy Winckler

Representative Chad Ingels, Chair  
Representative Amy Nielsen  
Representative Rick L. Olson  
Representative Ryan Weldon  
Representative David E. Young

EX OFFICIO, NONVOTING MEMBER: Stan Thompson, 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 Natalie Sherman, Legal Counsel, 515.725.2299

---

### BULLETINS NEEDED FOR THIS MEETING: 11/12/25, 11/26/25

---

#### **Procedural Business**

Representative Ingels convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10 a. m. on Monday, December 8, 2025, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the October 13, 2025, and the November 10, 2025, meetings were approved. The next meeting was scheduled for January 12, 2026, at 8:00 a. m. The meeting was adjourned at 12 p.m.

#### **Fiscal Overview**

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

#### **ECONOMIC DEVELOPMENT AUTHORITY**

Representing the agency: Lisa Connell

#### ARC 9670C (NOIA), Seed Investor Tax Credit Program, Ch. 114

Committee members asked about the fiscal overview for the program and how the estimated cost for the program was determined. Ms. Connell responded that the program was a successor to, and comparable to, the tax credit program for investments in a qualifying business, and the estimation was reached based on the historical cost for that program.

No action taken on ARC 9670C.

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).

## **NATURAL RESOURCES DEPARTMENT**

Representing the agency: Denise Roberg

### **ARC 9704C (AF), Special Nonresident Deer and Turkey Licenses, Ch. 12**

Committee members asked about the public comments related to the definition of a conservation organization. Ms. Roberg responded that the department received comments in opposition to the rulemaking broadening the definition of a conservation organization because the broader definition would allow for more competition to receive a limited number of deer tags. Members asked about conservation organizations' relation to deer tags. She responded that each year an organization could apply for a tag to auction off or sell for the following calendar year, and the applications were scored and reviewed by a committee based on the past conservation projects of the organization and total benefit to the community. Members asked whether any organizations advocated for the expansion of the definition. She responded that some organizations not solely focused on conservation efforts with broader mission statements supported the rulemaking because the expanded definition allowed for such organizations to apply for deer tags.

Mr. Phil Jeneary, speaking on behalf of the Iowa Sportsman's Club, expressed opposition to the rulemaking and explained that there were conservation organizations that did not receive tags because there were more applicants than tags each year. He stated that organizations that received tags were focused on conservation because the tags are auctioned off or sold as a fundraiser for conservation organizations in the state, and therefore the organizations receiving tags to auction should be required to have a mission for conservation. He also noted that a possible solution would be to increase the number of deer tags available for conservation groups.

No action taken on ARC 9704C.

## **COLLEGE STUDENT AID COMMISSION**

Representing the agency: Katrina Holck, Ryan Zantingh

### **ARC 9770C (NOIA), Rural Iowa Primary Care Loan Repayment Program, Ch. 24**

Committee members asked how many contracts and awards are currently still eligible for payment under the program fund, and for how long. Ms. Holck responded that all current contracts or awards would continue until their termination date in about five years, and currently there are between 10-15 contracts or awards still eligible for payment. Members asked whether there was an updated estimate on the amount of unobligated funds that would be transferred to the new fund under the rulemaking. She responded that there was no estimate at the time.

No action taken on ARC 9770C.

### **ARC 9771C (NOIA), Mental Health Professional Loan Repayment Program, Ch. 31**

Committee members asked how many contracts and awards are currently still eligible for payment under the program fund, and for how long. Ms. Holck responded that all current contracts or awards would continue until their termination date in about five years, and currently there are between 5-10 awardees eligible for payment. Members asked whether there was an updated estimate on the amount of unobligated funds that would be transferred to the new fund under the rulemaking. She responded that there was no estimate at the time, but there would be a better estimate in about three years.

No action taken on ARC 9771C.

### **ARC 9766C (NOIA), Court Reporter Equipment Grant Program, Ch. 19**

Committee members asked what qualified as a court-related job and about the selection criteria for grant recipients. Ms. Holck responded that the definition of a court-related job was requested by the Iowa Court Reporters Association because there had been court reporter applicants that used equipment for purposes not related to the court system. Members asked what qualified as a court-related job. She responded that anything within the courtroom or in the court system qualified as a court-related job including depositions.

Members asked whether a recipient under the program was obligated to stay in Iowa after graduation when they become a court reporter. Ms. Holck responded that the rulemaking did not have a requirement but did give priority to applicants residing in the State. She noted that for the upcoming year, there was only one out-of-state applicant. She also stated that there had not been enough applicants to require full use of a priority system.  
No action taken on ARC 9766C.

## **PUBLIC SAFETY DEPARTMENT**

Representing the agency: Josie Wagler, Jim Bleskacek

### **ARC 9723C (NOIA), Marijuana Eradication Procedures, Ch. 28**

Committee members asked about the eradication procedures under the rulemaking and the form of eradication and disposal of marijuana. Ms. Wagler responded that if a report were made to the department or to a sheriff, the department or police would assist with the disposal of the plants, but that she would provide the members with information on the exact method of eradication at a later date.  
No action taken on ARC 9723C.

### **ARC 9658C (NOIA), Ignition Interlock Devices, Ch. 158**

Committee members asked what public comments resulted in changes to the rulemaking. Ms. Wagler stated that the department received comments from a manufacturer on the regulatory analysis related to the definitions and verbiage of the rulemaking, and that the department incorporated most of the public comments into the notice. She also stated that comments had been received from the Iowa Association for Justice related to the timing requirements for test windows and word usage of the rulemaking. Members asked whether the comments received from the manufacturer were more technology based or related to other issues. Mr. Bleskacek responded that the comments dealt with electric vehicles, as the word “ignition” had been used in the Iowa Code and electric vehicles did not have ignitions.

Committee members asked why the rulemaking changed the word “shall” to the word “will”. Ms. Wagler responded that the rulemaking had been reviewed in accordance with Executive Order 10, leading to the change.  
No action taken on ARC 9658C.

## **PUBLIC HEALTH DEPARTMENT**

Representing the agency: Victoria Daniels, Brad VandeLune, Dennis Klein, Patricia Riesberg

### **ARC 9659C (NOIA), Service Program Operations, Rule 132.3(4)“e”**

Committee members asked whether the department had worked with the state veterinarian to develop a sample policy for emergency medical providers. Mr. VandeLune responded that the department had not developed a sample policy, and that on a local level, approved policies were required to be obtained through a veterinarian. Members asked whether there should be a coordinated effort so that policies would be similar across localities. He responded that the department generally allowed localities to develop their own policies based on the needs of their locale.  
No action taken on ARC 9659C.

### **ARC 9667C (NOIA), County Medical Examiners, Ch. 127**

Committee members asked why the rulemaking referenced a dated version of the county medical examiner (CME) handbook rather than the most recent version. Dr. Klein responded that the most recent version should be used and the rule would need to be corrected. Mr. Ewing noted that by law, when a material is adopted by reference in a rule, it must include a specific date so that the rule would not automatically update.

Committee members asked whether electronic filing on the medical examiner system was universal practice for all CMEs. Dr. Klein responded in the affirmative, noting that the system was introduced in 2018 and had been a universal practice since then. Members asked whether any CMEs still rely on manual filing. He responded that all CMEs are on the electronic system, but that some older physicians

still handwrote filings which would then be entered electronically. He noted the intent of the rulemaking was to formalize an electronic procedure.

Committee members asked why the rulemaking removed references to sudden infant death syndrome (SIDS). Dr. Klein stated that the older term prior to SIDS was “cot deaths”, then “SIDS” became the common term, and now “sudden unexpected or unexplained infant death” was the more modern and inclusive term understood by the medical community.

Committee members asked about the impact the rulemaking would have when the rules remove the ability of a physician to perform an autopsy that did not satisfy the board-certified pathology requirements, but that nonetheless could improve training, education, or experience. Dr. Klein responded that the purpose of the rule was to establish an expectation for forensic autopsies ordered by county medical examiners that an autopsy meet the highest standards established by the National Association of Medical Examiners. He noted that state law allowed other pathologists to perform autopsies, but the rulemaking ensured a high standard would be met for the autopsies.

Committee members asked how many autopsies had been performed in the past year using form ME-3. Dr. Klein stated that ME-3 was an antiquated form replaced by the electronic death registry system.

Committee members stated that, under the rulemaking, rule 127.6 allowed the use of hard copies of a cremation permit if the electronic death registry was offline for a minimum of four hours, and asked how a CME would know that the system had been down and how they would be notified. Dr. Klein responded that a CME would know if the electronic death registry was offline when they attempted to use the system, but in circumstances involving time-related pressure for a cremation, the rule allowed a CME to use and fax a hard copy of the permit. Members asked whether CMEs were alerted if the system was offline. He responded in the negative.

No action taken on ARC 9667C.

#### ARC 9751C (NOIA), Radon Mitigation Requirements, Ch. 44

Committee members asked about the potential fiscal impact caused by reducing the fees for out-of-state applicants from \$100 to \$25. Ms. Riesberg responded that the goal of the rulemaking was to increase the amount of out-of-state registrants to provide services for rural Iowans, and for that purpose the fiscal impact was not a great enough concern. Members asked about the fiscal impact caused by a loss of revenue of \$20,000 in recurring late fees under the rulemaking. She responded that the elimination of such late fees would not have a significant fiscal impact on the department’s budget, and that reinstatement fees would recover costs for the program staff. Members asked why the new system could not support a late fee process. She responded that the new licensing system was a project run by the Department of Inspections, Appeals, and Licensing, which had directed the department to eliminate late fees. Members asked whether the department needed to increase other fees to offset administrative costs usually covered by late fees. She responded that an increase in fees was not necessary and that the current fee structure could support the changes.

No action taken on ARC 9751C.

### **HUMAN SERVICES DEPARTMENT**

Representing the agency: Victoria Daniels, Anna Casteel, Lee Grossman

#### ARC 9763C (AF), Conditions of Eligibility, Ch. 75

Committee members asked about the concept behind reasonable compatibility. Ms. Casteel explained that reasonable compatibility involved an individual attesting to their income and the State using data sources to validate that income, and if the attested income was within a certain threshold of what the data sources found, the attested income would be used to determine the individual’s eligibility for Iowa Medicaid.

No action taken on ARC 9763C.

#### Regulatory Analysis, Amount, Duration and Scope of Medical and Remedial Services, Ch. 78

Committee members asked about the fiscal analysis in regard to cost savings. Mr. Grossman stated that the fiscal impact projected savings between the State and federal programs totaling \$1.2 million per year, and Iowa’s share of the savings would be about \$480,000 per year.

Committee members asked how many individuals that currently receive services would no longer receive services or would receive diminished services under the proposed rulemaking. Mr. Grossman responded that he did not have a projected number of individuals served, but that the goal of the rulemaking was to maintain access. Members noted that the billing method in the State had been out of compliance with federal regulations for 15 years, and asked whether there had been an indication from the federal government that the noncompliant billing was an issue. He responded that there had been no direct notification of an audit or federal investigation.

Committee members asked whether the seven entities currently reimbursed at the appropriate level were hospitals or individual therapists. Mr. Grossman responded that the entities are rehabilitation agencies and are not hospitals. He stated that the rehabilitation agencies would be impacted because they are enrolled in Iowa Medicaid, but the changes made by the rulemaking would not impact any other enrolled provider type. Members asked whether hospitals providing similar services would be regulated the same. He responded that no hospitals were included on the projected list of providers impacted by the rulemaking. Members asked how many of the seven entities in compliance with the current rules were pediatric providers, and how many were providing services on site rather than traveling. He responded that he did not have those exact numbers.

Committee members asked whether there would be an effect on small businesses under the proposed rulemaking. Mr. Grossman responded that there may be an impact but the impact required further evaluation. Members noted that a notice of intended action required a jobs impact statement.

Committee members asked why the proposed changes had to be made with a two week notice of effective date rather than through the traditional rules process. Mr. Grossman stated that the administration of the program and the safeguarding of moneys necessitated aligning with federal laws or standards as soon as possible. Members asked whether the federal provision that the proposed rulemaking would align with had been amended in the past 15 years that Iowa had been out of compliance. He responded in the negative. Members asked whether a private insurance carrier would pay a different rate. He responded in the affirmative, and stated that the rate paid by Medicaid as a result of the rulemaking would be about \$75 for the totality of an encounter, aligning with Medicare and other commercial payors. Members asked Mr. Grossman to describe the federal regulations for encounter codes. He stated that encounter codes were provided by the Medicare National Correct Coding Initiative manual, which included all codes for which a health care provider could bill.

Barbara Nebel, speech and language pathologist and owner of Central Rehabilitation Agency, stated that Current Procedural Terminology (CPT) code 92507 encapsulates the work of speech pathologists. She stated that the billing code as permitted by the Administrative Code was not a loophole but intentional and accounted for input from rehabilitation agencies, that the language was reviewed in 2010 and no changes were made, and that new managed care organizations had entered the state consistently since 2016 and were educated on proper payment for services by rehabilitation agencies with the approval of the Centers for Medicare and Medicaid.

Kelly Heysinger, co-owner of Unified Therapy Services, stated that the CPT code change under the proposed rulemaking would harm rural and pediatric Medicaid populations, Medicaid members, and providers, and would increase the amount of Medicare dollars spent, while the justification for the changes were unfounded. She stated that reimbursement cuts under the proposed rulemaking would reduce access to, and interrupt, care and would cause a workforce shortage. She explained that there were many clinical concerns with untimed encounter codes, as certain patients may require longer session times to achieve the same benefits, and that single unit codes do not reflect the intensity of treatment or complexity of a patient. She noted that the American Medical Association had announced that CPT code 92507 would be eliminated in January 2027, and replaced by multiple timed CPT codes. She also noted that the Affordable Care Act allowed states to adjust values when the provided values did not meet the needs of a medical population. She explained that the costs of the proposed changes would include long-term Medicaid costs, increased special education needs, greater long-term disability support, and decrease the ability to prevent hospitalization. She stated that the changes would harm small businesses, and would cause a 50-70 percent reduction in reimbursement for a typical 40-60 minute treatment session.

Gina Blean, co-owner of Unified Therapy Services, requested that the department conduct a formal regulatory analysis that includes rehabilitation agencies and Medicaid members, that the committee

delay the change to rule 78.19 until the conclusion of the regulatory analysis, and delay distribution of informational letter 2714.

Committee members noted that there would be further time for public comment, and that the committee was not able to delay a regulatory analysis.

Committee members asked about the opinions of providers regarding the effective date of the reduction in reimbursement rates. Mr. Grossman responded that the informational letter sent to providers was guidance for state managed care organizations, and the proposed rules would apply to the State's fee-for-service program. He stated that the types of changes under the proposed rulemaking were proprietary decisions that managed care organizations regularly engaged in, and that managed care organizations could participate in negotiations with providers if the provider has significant changes in revenue.

Committee members asked whether provider agencies were billing differently across managed care organizations, or with a specific managed care organization. Mr. Grossman responded that the department met with three different managed care organizations, and they all had billing discrepancies from the same seven provider agencies.

## **COUNTY FINANCE COMMITTEE**

Representing the agency: Brad Horn

ARC 9675C (NOIA), Definitions; General Provisions, Ch. 1

Committee members noted that a correction to the rulemaking may be necessary to correct the reference to Iowa Code section 331.424 in rule 1.7 to instead reference Iowa Code section 331.434.

No action taken on ARC 9675C.

## **ADMINISTRATIVE RULES COORDINATOR**

Representing the agency: Stan Thompson, Brad Horn

New Uniform Rules on Agency Procedure Pursuant to Code Section 17A.24—Discussion of Draft

Committee members explained that the draft of the new uniform rules on agency procedure would be discussed by the committee at its December meeting and approval of emergency rulemaking would be considered at its January meeting.

Committee members asked why agencies with existing rules in certain areas would continue rather than adopt uniform rules for every agency. Mr. Thompson responded that through the rulemaking process, agencies and departments would receive and review the uniform rules and then would have an opportunity to opt in to the uniform rules and only opt out where a unique difference existed. He noted that the goal of Executive Order 10 was to have as many departments and agencies as possible using the uniform rules, and only opt out of a rule for a specific reason. Members asked if the adoption of the uniform rules would conclude Executive Order 10. He responded that Executive Order 10 lasts for four years, and currently was in its third year, so agencies still had the 2026 calendar year to submit rule changes. Members expressed a desire to see the specific textual changes between the current uniform rules and the proposed new version rather than only a summary of the changes.

Committee members asked why emergency rulemaking was used rather than the standard process. Mr. Thompson responded that through the emergency rulemaking process, the uniform rules, if approved, would apply immediately. Mr. Horn noted that while editing administrative rules, if the emergency rules providing for uniform rules were adopted, there would no longer be a need to edit existing rules.

Committee members asked about the appeals process for departments or agencies that opted out of a rule. Mr. Thompson responded that an administrative law judge had the authority to set bonds on appeal, and could adjust bonds to a lower amount based on an appellant that may have fewer resources. Mr. Horn added that the proposed rules had been changed to allow bonds to be set at a lower level at the discretion of an agency.

Ms. Jess Mazour, speaking on behalf of the Iowa chapter of the Sierra Club, commented that the content in chapter 2501 should not be changed on a whim by the legislature or the governor.