

**MINUTES OF THE MARCH 2007 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Date of meeting: A special meeting of the Administrative Rules Review Committee (ARRC) was held Tuesday, March 6, 2007, in Room 116, State Capitol, Des Moines, Iowa.

Members present: Representative Philip Wise, Chair, and Senator John P. Kibbie, Vice Chair; Senators Michael Connolly, Thomas Courtney, Paul McKinley, and James Seymour; Representatives Marcella Frevert, David Heaton, David Jacoby, and Linda Upmeyer.

Also present: Joseph A. Royce, Legal Counsel; Kathleen K. West, Administrative Code Editor; James Larew, Administrative Rules Coordinator, and Deborah Svec-Carstens, associate counsel; fiscal staff, caucus staff and other interested parties.

Convened Rep. Wise convened the meeting at 7 p.m.

PROFESSIONAL LICENSURE DIVISION Pierce Wilson represented the division. Ed Friedmann represented the board of physician assistant examiners. Other interested parties included Kent Nebel of the board of medical examiners, Karla McHenry of the Iowa Medical Association, and Dr. Bill Jagiello.

ARC 5706B No questions on amendments to 326.3(2) and 326.3(7).

ARC 5725B The amendments to ch 326 pertaining to a physician assistant’s training to perform a new procedure and requirements for notifying the board of a change in supervision generated much discussion. Mr. Friedmann distributed a chart to illustrate the proposed amendments and the final language adopted following input from concerned parties. Mr. Nebel indicated that the board of medical examiners does not support these amendments, which they believe lessen supervision of PAs. Ms. McHenry concurred with Mr. Nebel and stated that prior to 2004 the board of medical examiners and board of physician assistant examiners worked out their differences because they shared authority for rule making. Dr. Jagiello commented that he does not believe there is a need to change the current rules.

Committee members expressed dismay over the adversarial relationship between the associations that represent the various practitioners and indicated that PAs meet an important need in Iowa. Members encouraged increased cooperation and ongoing communication. No formal action was taken.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg represented the department.

Special review Ms. Freudenberg reported that amendments to ch 153 concerning funding for local services were adopted and filed emergency and that all counties are in agreement with the methodology for distribution of funding appropriated for fiscal year 2007 to the counties. There were no questions. Ms. Freudenberg also distributed a draft of emergency amendments to ch 58 concerning state assistance to needy individuals who have disaster-related expenses or other serious needs that cannot be met by other financial assistance.

LABOR SERVICES DIVISION Kathleen Uehling and James Borwey represented the division.

ARC 5619B A regulatory analysis was requested at the January meeting. Ms. Uehling asked that the committee withdraw its request for a formal regulatory analysis and accept instead an informal response. These proposed rules would require owners of buildings classified as places of public assembly to register all water heaters by the end of 2008 so that annual inspections could begin in 2009. Ms. Uehling indicated that the cost for the certificate would vary depending on whether the inspection was conducted by an insurance inspector or a state inspector and whether the water heater needed to be repaired or replaced. It has been the longstanding practice of the division to inspect only water heaters that are 50 gallons and 5,000 BTUs and larger. Ms. Uehling confirmed that the proposed inspection of all water heaters was based on the boiler and pressure vessel board’s interpretation of the statute rather than on new legislation or an incident.

Committee members generally agreed that the proposed rules are burdensome and unnecessary. Mr. Borwey agreed to withdraw the proposed rules and to submit an amendment to current legislation to clarify the division’s responsibility.

Motion Sen. Kibbie made a motion that the committee lift the request for the formal regulatory analysis and request an informal analysis.

Motion carried The motion carried.

ELDER AFFAIRS DEPARTMENT John McCalley and Greg Anliker represented the department.

ARC 5607B Mr. Anliker outlined the 90-day process proposed for objecting to a nominee for the board of directors of an area agency on aging. Rep. Upmeyer noted that the legislation may be repealed; the department agreed to postpone adoption of the rules until the legislative outcome is known.

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Committee business The minutes of the February 2007 meeting were approved.
Adjourned The meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Kathleen K. West

APPROVED:

Chair Philip Wise

Vice Chair John P. Kibbie