

**MINUTES OF THE APRIL 2008 MEETING  
OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**

- Date of meeting: A special meeting of the Administrative Rules Review Committee (ARRC) was held Friday, April 4, 2008, in Room 22, State Capitol, Des Moines, Iowa.
- Members present: Senator Michael Connolly, Chair, and Representative Philip Wise, Vice Chair; Senators John P. Kibbie; and Representatives Marcella Frevert, David Heaton, David Jacoby and Linda Upmeyer.  
Senators Jeff Angelo, Thomas Courtney and James Seymour were not present.
- Also present: Joseph A. Royce and Michael Duster, Legal Counsel; Kathleen K. West, Administrative Code Editor; Deborah Svec-Carstens, Assistant Counsel to the Administrative Rules Coordinator; fiscal staff; caucus staff; and other interested parties.
- Convened Sen. Connolly convened the meeting at 8:02 a.m.
- Fiscal overview** Sue Lerdal presented the LSA fiscal report.
- PUBLIC SAFETY DEPARTMENT** Mike Coveyou, Jim Kenkel and Stuart Crine represented the department.
- ARC 6661B No action on proposed amendments to chs 5 and 210 to require dual sensor smoke detectors when new smoke detectors are installed or existing smoke detectors are replaced.
- ARC 6662B The proposed amendment to 221.3(1) requires that containers for flammable or combustible liquids be metal or hard plastic and prohibits the use of temporary or disposable containers. Mr. Coveyou showed the committee a container which is being marketed over the Internet as a temporary container for a gallon of gasoline. The container consists of a soft plastic bladder inside a cardboard carton. The fire marshal has determined that use of such a container presents a threat to the public safety.
- ARC 6667B No action on proposed ch 277 concerning certification of alarm system contractors and installers.
- IOWA FINANCE AUTHORITY** Mark Thompson and Roger Brown represented the authority.
- ARC 6681B No questions on proposed 12.3 and 12.4, low-income housing tax credit compliance manual.
- CORRECTIONS DEPARTMENT** Michael Savala and Delbert Langley represented the department. Other interested parties included David Vestal of the Iowa State Association of Counties (ISAC) and Linn County Sheriff Don Zeller.
- ARC 6641B Proposed amendments to ch 50 update jail inspection standards. Mr. Savala commented that these amendments were developed in consultation with and have the support of ISAC and the Iowa State Sheriffs and Deputies Association. Discussion related to health screenings and provisions regarding restraint and isolation of prisoners.
- LOTTERY AUTHORITY** Mary Newbauer represented the authority.
- ARC 6651B Amendments to ch 11 require that lottery tickets be signed before being checked by retailers. This change ensures that the prize awarded to a winning ticket will be given to the owner of the ticket. Ms. Newbauer also advised the committee of a new procedure that will not require a change in the rules: Starting in May 2008, lottery terminals will issue receipts to both the retailer and the individual when a ticket is checked or cashed. Sen. Connolly commended the authority for taking both measures.
- TRANSPORTATION DEPARTMENT** Brooks Glasnapp and Steve Gent represented the department. Other interested parties included Mike St. Clair of the Outdoor Advertising Association of Iowa.
- ARC 6637B No action on proposed amendments to ch 117, outdoor advertising. Mr. Glasnapp summarized the amendments and detailed the concerns received from a billboard company which is not represented by the Outdoor Advertising Association.  
Mr. St. Clair commented that the association generally supports the amendments and that the department has agreed to a clarification requested by the association.

**PHARMACY BOARD** Terry Witkowski represented the board. Other interested parties included Mary Ryan and Fred Brinkley of Medco, Michael Fuller of Walgreens, and Nicole Schultz of the Iowa Pharmacy Association.

ARC 6668B Ch 3 regulates the practice of pharmacy technicians and requires national certification of all pharmacy technicians by July 1, 2010. Ms. Witkowski reported that, in response to the many comments received, the board intends to propose a legislative change to create a new classification for support personnel and noted that the board is not opposed to requests for a delay in the implementation of these rules. Discussion related to the national shortage of pharmacists, expansion of pharmacists' duties, and pharmacists' need for technical assistance. Ms. Witkowski advised the committee that the certification process is rigorous and Iowa law does not provide for grandfathering. Rep. Frevert commended the board's efforts. On behalf of the Iowa Pharmacy Association, Ms. Schultz asked the committee to delay the rules.

Motion to delay Sen. Kibbie moved a 70-day delay.

Motion carried There was unanimous support of the motion.

ARC 6665B No questions on correction of cross references.

ARC 6666B No questions on amendments to chs 7 and 23 concerning pharmacy practice in hospitals and long-term care facilities.

ARC 6664B No questions on the proposed amendment to ch 8 pertaining to temporary pharmacist in charge.

ARC 6670B No questions on ch 9 concerning automated medication distribution systems and telepharmacy services.

ARC 6671B Amendments to ch 18 regulate centralized prescription filling and processing. Ms. Ryan, Mr. Brinkley and Mr. Fuller expressed concern that the provision that requires all pharmacists performing centralized pharmacy functions to maintain an active Iowa license exceeds the statutory authority of the board to license out-of-state mail service pharmacies and pharmacy benefit managers. Mr. Fuller noted that if data review and DUR could be conducted at a remote site, the pharmacist on duty at a given location would be more available to the patients at that location.

Motion to delay Rep. Wise moved a 70-day delay.

Motion carried The motion received unanimous support.

**PUBLIC HEALTH DEPARTMENT** Barb Nervig represented the department.

ARC 6684B No questions on proposed ch 82, office of multicultural health.

ARC 6680B No questions on proposed amendments to ch 131 concerning EMS education, certification and training.

**REVENUE DEPARTMENT** Jim McNulty and Dale Hyman represented the department.

ARC 6683B No questions on various amendments to update individual, corporation and franchise tax rules.

ARC 6682B Proposed amendments to chs 42 and 52 implement the ethanol promotion tax credit. Mr. McNulty provided examples of the tax forms. Discussion related to the fiscal impact of tax credits on the state.

Special review No action following a general discussion regarding the valuation of agricultural property.

**HUMAN SERVICES DEPARTMENT** Nancy Freudenberg represented the department.

ARC 6627B No questions on amendments to chs 75 and 76 concerning forms and procedures for determining Medicaid eligibility and benefits.

ARC 6669B No action on proposed amendments to ch 77 regarding incident reporting; restraints, restrictions, and behavioral interventions; and personnel standards for providers of medical and remedial care under Iowa's HCBS waiver programs.

ARC 6659B No questions on proposed amendments to ch 78 regarding Medicaid coverage for smoking cessation drugs.

ARC 6676B No action on proposed amendments to chs 78 and 79 pertaining to medical and remedial services.

ARC 6629B No questions on proposed amendments to ch 79 concerning Medicaid reimbursement methodology for outpatient hospital services.

ARC 6650B Amendments to ch 86 generated discussion about the circumstances under which children of a state employee would be eligible to participate in the HAWK-I program. Ms. Freudenberg suggested that Anita Smith provide the committee examples to clarify this amendment. Rep. Jacoby asked the department to also provide information about how many graduate students are accessing HAWK-I.

ARC 6677B Proposed amendments to ch 170 affect the child care assistance program. Ms. Freudenberg noted that these amendments would allow a night shift worker to access child care so that the worker can sleep during the day.

Human Services Department (continued)

- ARC 6630B            No action on amendments to ch 172 regarding purchase of legal services for permanency.
- ARC 6631B            No questions on amendments to update ch 201, subsidized adoptions.
- ARC 6632B            No questions on amendments to ch 202 concerning verification of citizenship for foster care.
- Committee business**    The minutes of the March 2008 meeting were approved.
- The next meeting was scheduled for Tuesday, May 13, 2008, at 9 a.m.
- Adjourned            The meeting was adjourned at 11 a.m.

Respectfully submitted,

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Kathleen K. West

APPROVED:

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Chair Michael Connolly

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Vice Chair Philip Wise