



ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

Section 17A.4(3) Iowa Code Supplement requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at http://staffweb.legis.state.ia.us/lfb/docs/Admin_Rules/arfiscal_notes.htm.

TREASURER OF STATE

ARC 6506B

Rule Summary Makes changes to the administration and operation of the Iowa Educational Savings Plan Trust to implement changes to Trust operations. The significant changes include: adding procedures for online applications, removing the age limit of under 18 years for beneficiary participation, and removing the \$2,000 maximum investment amount per beneficiary per year.

Fiscal Impact No fiscal impact.

STAFF CONTACT: David Reynolds (Ext. 16934)

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CREDIT UNION DIVISION, DEPARTMENT OF COMMERCE

ARC 6486B and 5930B

Rule Summary Terminates ARC 5930B relating to credit unions that offer debt cancellation products. The Division re-notices these rules to incorporate further changes and clarify requirements in ARC 6430B, which follows.

Fiscal Impact No fiscal impact.

ARC 6430B

Rule Summary Implements administrative rules to regulate the authority of credit unions that engage in offering debt cancellation products.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

IOWA FINANCE AUTHORITY

ARC 6507B

Rule Summary Streamlines the administrative rules waiver process.

Fiscal Impact No fiscal impact.

ARC 6508B and 6509B

Rule Summary Allows municipal borrowers under the Water Pollution Control Works and Drinking Water Facilities Financing Program the option of prepaying their loans.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF ECONOMIC DEVELOPMENT

ARC 6478B

Rule Summary Incorporates a decision by the Department to change the name of the Targeted Industries Division to the Innovation and Commercialization Division.

Fiscal Impact No fiscal impact.

ARC 6479B

Rule Summary Implements new programs to assist with technology commercialization authorized by HF 829 (Commercialization and Economic Development Act), describes the purpose of the programs, the application submittal, review and approval procedures, and the contract administration provisions.

Fiscal Impact The Department received appropriations of \$3.9 million from loan repayments for FY 2008 and \$3.0 million from the Grow Iowa Values Fund each year for FY 2008 and FY 2009 to support the programs. The appropriations were provided in HF 829.

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ARC 6477B

Rule Summary Updates the allocation to the Department for the Grow Iowa Values Fund. Reduces the appropriation for programs administered by the Department from the Grow Iowa Values Fund by \$3.0 million each year for FY 2008 through FY 2015, and makes an appropriation from the Fund for the same years to the Department for commercialization services, as specified by the General Assembly in HF 829. Revises the requirements of the annual report from the State Board of Regents (Regents) to the Department and the Iowa Economic Development Board about the use of the \$5.0 million appropriation from the Grow Iowa Values Fund.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF REVENUE

ARC 6525B

Rule Summary Sets an interest rate of 10.0% per annum, 0.8% per month, for unpaid taxes and refunds owed on or after January 1, 2008. The Director of Revenue is required to update this rule annually. This rate is unchanged from Calendar Year 2007.

Fiscal Impact No fiscal impact.

ARC 6455B

Rule Summary Conforms the rule language with statutory language mandated by the Streamlined Sales and Use Tax Agreement from FY 2005, as it relates to the collection of sales tax by retailers from tax exempt purchasers, such as governmental entities.

Fiscal Impact No fiscal impact.

ARC 6522B

Rule Summary Changes the calculation of fuel tax refunds for engine idling. The change reflects the use of more efficient engines that use less fuel while idling.

Fiscal Impact Fiscal impact cannot be determined. Some claimants' refunds could be reduced.

ARC 6524B

Rule Summary Establishes four-year staggered terms for the two assessor seats on the Assessor Continuing Education Committee. No time limit exists currently.

Fiscal Impact No fiscal impact.

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ARC 6527B

Rule Summary Implements HF 912 (Web Search Portal Business Sales & Property Tax Exemption Act). Provides an exemption from Iowa sales and use tax for certain tangible personal property and services purchased by a qualifying web search portal business. Specifies the time frame for application of the exemption.

Fiscal Impact No fiscal impact for FY 2008. Due to the implemented tax incentives, State General Fund revenue will decrease by an estimated \$3.6 million for FY 2009, \$12.7 million for FY 2010, \$22.0 million for FY 2011, and \$32.7 million for FY 2012.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

BOARD OF EDUCATIONAL EXAMINERS

ARC 6449B

Rule Summary Permits employees of the Department of Education to initiate complaints to the Board, and authorizes the Executive Director to initiate complaints against teachers that do not report inappropriate assignments and against administrators responsible for inappropriate assignments. The rule changes reflect a Statutory change in SF 588 (FY 2008 Education Appropriations Act).

Fiscal Impact No fiscal impact.

ARC 6457B

Rule Summary Rescinds a requirement that applicants from foreign institutions pass the Test of English as a Foreign Language (TOEFL).

Fiscal Impact No fiscal impact.

ARC 6446B

Rule Summary Changes the requirements for seeking an endorsement to permit applicants to apply directly to the Board of Educational Examiners, instead of seeking permission from an institution of higher education. The change reflects current practice.

Fiscal Impact No fiscal impact.

ARC 6447B

Rule Summary Changes the initial administrator license from a two-year license to a one-year license, reflecting Statutory changes enacted in SF 277 (Student Achievement and Teacher Quality Program Act).

Fiscal Impact No significant fiscal impact. If the cost of an initial administrator license remains the same, there may be a minimal increase in fee revenue for the Board of Educational Examiners as a result of requiring a new license after one year, instead of two.

ARC 6445B

Rule Summary Eliminates the requirement that applicants for an endorsement secure a recommendation from a college or university. The change reflects current practice.

Fiscal Impact No fiscal impact.

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ARC 6450B

Rule Summary Eliminates the requirement that out-of-state applicants for administrator licensure meet all the requirements for a standard license. Applicants will be licensed for the grade levels they were licensed for in another state.

Fiscal Impact No fiscal impact.

ARC 6448B

Rule Summary Clarifies rules for renewal of administrator licenses. Specifies that applicants must provide documentation of completion of the evaluator training required by Statute.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF EDUCATION

ARC 6472B

Rule Summary Amends accreditation requirements for school districts regarding nondiscrimination for the new protected classes of sexual orientation and gender identity. Implements anti-bullying and anti-harassment policies. Provides inclusion of the Statewide Voluntary Preschool Program for Four-Year-Olds under the prekindergarten program definition. The changes are to conform with statutory changes made in SF 61 (School Anti-harassment and Anti-bullying Act), SF 427 (Sexual Orientation or Gender Identity Discrimination Act), and HF 877 (Statewide Voluntary Preschool Program for Four-Year-Olds).

Fiscal Impact No fiscal impact.

ARC 6469B

Rule Summary Defines and provides standards for school counseling programs. Requires each school district to employ a school nurse and a licensed school counselor. Changes reflect requirements enacted in SF 277 (Student Achievement and Teacher Quality Program Act).

Fiscal Impact No fiscal impact to the State. The fiscal impact to local school districts will vary. Senate File 277 authorized the Department to waive these requirements for school districts for up to two years. The legislation also authorized the School Budget Review Committee to grant one-time supplemental aid, or establish one-time modified allowable growth to districts, to meet these requirements. The Act allocated up to \$1.0 million in market factor incentives funding to the Department to assist districts in meeting the new requirements. The annual statewide fiscal impact to local school districts is estimated to be between \$3.0 million and \$6.0 million by FY 2010.

ARC 6473B

Rule Summary Implements the requirements of SF 588 (FY 2008 Education Appropriations Act) and HF 317 (Accreditation On-Site Fiscal Review Act). Deletes items that are no longer required by Statute or accreditation; adopts K-12 core content standards in reading, math, and science; and authorizes Phase II accreditation visits upon recommendation of the School Budget Review Committee for school districts that exceed their authorized budget or carry a negative unspent balance for two or more consecutive years.

Fiscal Impact No fiscal impact.

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	ARC 6475B
Rule Summary	Adds standards and criteria for Area Education Agency (AEA) staff now included in the Student Achievement and Teacher Quality Program. Adds new rules to implement the Administrator Quality Program. Changes implement statutory changes enacted in 2006 and 2007.
Fiscal Impact	No fiscal impact.
	ARC 6480B
Rule Summary	Allows eligible districts to define “minority student” for purposes of open enrollment requests as long as race is not the sole determining factor. The amendments are in response to the June 2007 United States Supreme Court decision that student assignments cannot be based entirely or primarily on race.
Fiscal Impact	No fiscal impact.
	ARC 6471B
Rule Summary	Implements the allocation of a \$2.0 million appropriation in SF 601 (FY 2008 Standing Appropriations Act) to community colleges to supplement full- and part-time faculty salaries. The distribution is proportionate to the community college’s total full- and part-time instructional salary expenditures, not including temporary/seasonal faculty or adjunct faculty.
Fiscal Impact	No fiscal impact for FY 2008, except for the appropriation. The appropriated amounts are to be considered part of the instructors’ salaries for salary calculations, requests, and appropriations in future years, and become an ongoing expenditure.
	ARC 6470B
Rule Summary	Implements SF 358 (Motor Vehicle Dealer Education Act) requiring the Department to set a maximum fee for pre-licensing education courses and continuing education courses for used motor vehicle dealers. The courses are offered by community colleges or by the Iowa Independent Automobile Dealers Association in conjunction with a community college. The fees will cover the cost of the courses and course materials and will not exceed \$50 per hour.
Fiscal Impact	No fiscal impact to the State General Fund. The course fees are projected to provide an estimated \$313,000 in revenue to the community colleges in biennial renewals and \$72,000 for new applications to cover the costs of the Program.
	ARC 6474B
Rule Summary	Amends, adds, and creates rules regarding supplementary weighting opportunities for school districts and area education agencies. Senate File 447 (School District Reorganization and Sharing Incentives Act) provided an extension for whole grade sharing supplementary weighting under certain circumstances through FY 2014. School districts and area education agencies that participate in operational function sharing will be eligible for supplementary weighting for up to five years (through FY 2014), with an annual phase-out percentage of 20.0%. Section 20 of SF 588 (FY 2008 Education Appropriations Act) provided supplementary weighting for school districts providing and receiving classes over the Iowa Communications Network (ICN).

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Fiscal Impact The estimated impact for the whole grade sharing supplementary weighting for FY 2009 is approximately \$800,000 in State aid and \$110,000 in property tax. The estimated impact in FY 2009, of the operational function sharing supplementary weighting, is a minimum of approximately \$6.7 million in State aid and \$1.0 million in property tax. The estimated impact of the ICN supplementary weighting in FY 2009 is approximately \$130,000 in State aid and \$18,000 in property tax.

STAFF CONTACT: Robin Madison (Ext. 15270) Shawn Snyder (Ext. 17799)

ENVIRONMENTAL PROTECTION COMMISSION

ARC 6517B

Rule Summary The proposed air quality rules:

- Adds definitions and emissions inventory provisions to fulfill the requirements of greenhouse gas legislation, SF 485 (Greenhouse Gas Emissions Act), approved by the Iowa General Assembly in 2007.
- Updates the definition of "volatile organic compound" or "VOC" because the federal EPA removed a compound from the VOC list.
- Corrects errors and clarifies the meaning for four air construction permit exemptions.
- Adopts new standards for federal New Source Performance Standards.
- Adopts the National Emission Standards for Hazardous Air Pollutants (NESHAPS).
- Corrects a calculation for emissions based on stack height.
- Amends the fugitive dust rule to add "vehicle speed control" as a reasonable precaution to prevent the discharge of fugitive dusts beyond the property line.
- Corrects an error in the level of excess emissions allowed from incinerators during periods of operational breakdown or cleaning of control equipment.
- Updates State rules for federally-approved emissions testing methods.

The purpose of these rule changes is to update State air quality rules for new State and federal requirements enacted within the last year. The rule changes make necessary corrections, clarifications and improvements to existing air quality rules, including the rules for construction permits, prevention of fugitive dust, and the opacity limit for incinerators.

The proposed changes will primarily affect regulated parties (industry) with applicable air emissions equipment. Industries that emit greenhouse gases, as defined in SF 485 and proposed rules, will be required to report greenhouse gases on construction permit applications and on emissions inventory forms.

Fiscal Impact Minimal fiscal impact. It is difficult to estimate the additional cost to business to report greenhouse gas emissions. A business may choose to complete the forms with internal staff or hire a consultant. It is estimated that most facilities will require an additional 30 minutes to complete the construction permit application forms and an additional 4-8 hours to complete the greenhouse gas emissions inventory. Larger facilities may require more time. Many facilities that are small businesses are eligible for free, technical assistance for determining greenhouse gas emissions through using the services of the University of Northern Iowa Air Emissions Assistance Program.

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ARC 6441B
Rule Summary Updates references to federal effluent and pretreatment standards and associated analytical methods approved by the federal Environmental Protection Agency (EPA) on March 12, 2007. The Department of Natural Resources (DNR) is required to adopt effluent and pretreatment standards at least as stringent as the federal standards to have continued approval of the EPA to operate the National Pollutant Discharge Elimination System (NPDES) Program.

Fiscal Impact The DNR cannot determine how many facilities might be affected by these rules or the cost to the facilities. Some facilities may incur expenses to install and operate additional equipment or controls while others may have no change in expenses.

ARC 6521B
Rule Summary Increases fees for general stormwater permits numbers 1, 2 and 3. The increases include

- \$150.00 to \$175.00 for a one-year authorization.
- \$300.00 to \$350.00 for a three-year authorization.
- \$450.00 to \$525.00 for a four-year authorization.
- \$600.00 to \$700.00 for a five-year authorization.

Eliminates the requirement that the coverage provided by the multi-year permit fees expires no later than the general permit.

Revenues generated by the current fee structure are insufficient to fund the Stormwater Permit Program. Authorization extension past the expiration of the general permit will not cause difficulties as the authorization can be continued under an expired general permit with the language change and will be automatically authorized under a renewed general permit.

Fiscal Impact The fiscal impact is an estimated increase of \$135,000 in stormwater permit fees received by the Department of Natural Resources. The fees offset related Program expenditures.

STAFF CONTACT: Debra Kozel (Ext. 16767)

NATURAL RESOURCE COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 6440B
Rule Summary Revises procedures for contested cases.

Fiscal Impact No fiscal impact.

ARC 6443B
Rule Summary Adds trespassing while deer hunting to the list of violations included in the Fish and Wildlife Violation Suspension Program, as required by SF 78 (Conservation and Recreation Activities Act).

Fiscal Impact No fiscal impact.

ARC 6444B
Rule Summary Implements the rules for the Water Trails and Low-Head Dam Safety Programs. Establishes a grant program for local entities and nonprofit organizations for signage, trail development, and brochures.

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Fiscal Impact An allocation of \$200,000 from the \$8.4 million appropriated to the Lake Restoration Fund will be used for these Programs.

ARC 6442B

Rule Summary Restricts the optional antlerless-only licenses to one of the two regular shotgun seasons. Requires hunter-orange color on ground blinds.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

DEPARTMENT OF INSPECTIONS AND APPEALS

ARC 6454B

Rule Summary Adopts the federal 2005 Food and Drug Administration Food Code with Supplements. Updates certain licensing fees to the amounts set in SF 601 (FY 2008 Standing Appropriations Act). Clarifies procedures for late fees and other violations. Rescinds rules relating to food certification programs that are approved by the Conference on Food Protection.

Fiscal Impact No fiscal impact. The licensing fees were already in effect prior to updating the Statutory language per the passage of SF 601 (2008 Standing Appropriations Act).

ARC 6467B

Rule Summary Reinserts violation classification notations omitted during the rewrite of the Department's administrative rules governing residential care facilities' service plans.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

IOWA PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

ARC 6423B

Rule Summary Changes the reimbursement for the removal of underground storage tanks that were upgraded to meet current standards. Eliminates the Board's responsibility to provide for licensing since that duty was transferred to the Department of Natural Resources. The Department of Natural Resources has a separate filing adopting rules for licensing. The rule was held over from the December 2007 meeting on a 70-day delay.

Fiscal Impact Based on the previously implemented temporary version of the rule, during which \$938,413 was expended over the period of 20 months, the estimated increase in expenditures from the Underground Storage Tanks (UST) Fund is approximately \$500,000 per year for the first two years.

STAFF CONTACT: David Reynolds (Ext. 16934) Jeff Robinson (Ext. 14614)

INSURANCE DIVISION, DEPARTMENT OF COMMERCE

ARC 6516B

Rule Summary Requires specific training for insurance producers that sell long-term care insurance in Iowa.

Fiscal Impact No fiscal impact.

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ARC 6495B
Rule Summary Updates and clarifies broker-dealer financial reporting requirements.

Fiscal Impact No fiscal impact.

ARC 6511B
Rule Summary Establishes standards for the prompt payment of claims, penalties for non-compliance, and a resolution process for complaints and disputes, relating to pharmacy benefits managers. Implements SF 512 (Pharmacy Benefit Management Act).

Fiscal Impact No fiscal impact.

ARC 6435B
Rule Summary Requires mandatory use of the small employer uniform health insurance application form when small employers request health insurance premium quotes. Implements SF 346 (Uniform Health Insurance Application Act) and SF 2344 (Uniform Applications for Small Group Health Insurance Act).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF HUMAN SERVICES

ARC 6481B
Rule Summary Defines the financial eligibility requirements for county-managed disability services, including the basic standards and standards that counties may adopt to extend financial eligibility to more consumers.

Fiscal Impact No fiscal impact to the State. Counties may incur an impact with the additional consumers being served.

ARC 6520B and ARC 6523B
Rule Summary Implements the annual adjustments to eligibility and payment levels in the State Supplementary Assistance Program necessary to meet federal requirements. The minimum levels are indexed by the cost-of-living increase in federal Social Security and Supplemental Security Income benefits. This is an increase of 2.3% for calendar year 2008.

Fiscal Impact Residential care facilities will receive an increase in maximum per diem from \$26.50 to 26.95 per bed day. Residential care facilities personal needs allowance will increase from \$88 to \$91 per month. Those eligible for the dependent person allowance will receive an increase in the maximum benefit from \$317 to \$325 per month. Family-life home providers will receive an increase from \$697 to \$708 per month. The total General Fund impact is a cost of \$107,000 in FY 2008 and \$109,000 in FY 2009. Funding was provided in HF 909 (FY 2008 Health and Human Services Appropriation Act.)

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		ARC 6431B
Rule Summary	Includes newborn children of mothers eligible only for emergency Medicaid services in the definition of “newborn.” Amends the citizenship rule to add reference to the use of affidavit forms requiring client signature for documentation of citizenship and identity.	
Fiscal Impact	Minimal fiscal impact.	
		ARC 6494B
Rule Summary	Makes technical changes to update the description of forms and procedures used in determining Medicaid eligibility and benefits.	
Fiscal Impact	No fiscal impact.	
		ARC 6526B
Rule Summary	Updates the methodology used in determining the Medicaid eligibility and financial participation of a married person residing in a medical institution with a spouse that does not live in an institution. Specific dollar amounts are replaced with references to the maximum amounts allowed by the federal Medicaid law or regulations.	
Fiscal Impact	Minimal fiscal impact.	
		ARC 6528B
Rule Summary	Increases the Medicaid personal needs allowance for residents of intermediate care facilities for persons with mental retardation (ICFs/MR), intermediate care facilities for persons with mental illness (ICFs/MI), and psychiatric medical institutions for children (PMICs).	
Fiscal Impact	Minimal fiscal impact. The General Assembly provided \$12,000 in HF 909 (FY 2008 Health and Human Services Appropriations Act). There was no funding provided to supplement residents with incomes of less than \$50.	
		ARC 6518B
Rule Summary	Allows veterans receiving Medicaid payment for long-term care to retain the \$50 personal needs allowance in addition to the \$90 from the federal Veteran’s Administration pension. This rule was required by the federal government.	
Fiscal Impact	This change will cost the State General Fund \$160,000 annually.	
		ARC 6461B
Rule Summary	Modifies the Medicaid rules regarding health insurance data matches.	
Fiscal Impact	No fiscal impact.	
		ARC 6452B
Rule Summary	Provides two methods of increasing Medicaid reimbursement to nursing facility providers related to the cost of renovation or construction for the purpose of rectifying a violation of life safety code requirements or developing home and community based waiver program services.	
Fiscal Impact	House File 911 (FY 2008 Infrastructure Act) provided \$1.0 million for this purpose. Any funding not expended in FY 2008 will be carried forward for FY 2009.	

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ARC 6458B and 6456B

Rule Summary Removes requirements for purchasing legal services for permanency through a statewide formal competitive selection process.

Fiscal Impact No fiscal impact. The Department is reallocating \$250,000 within Child Welfare for this purpose.

ARC 6459B

Rule Summary Makes changes to reflect the implementation of statutory amendments relating to the treatment of some reports of dependent adult abuse. Creates a new category of Dependent Adult Abuse and specifies where the records related to assessments will be kept and how long the records will be maintained before being sealed. The number of assessments will not change.

Fiscal Impact No fiscal impact.

ARC 6515B

Rule Summary Extends the transition period for family-centered services in the Council Bluffs Service Area because there were no successful bidders identified for the Service Area under the original request for proposals issued in April 2007. A second request for proposals for the Council Bluffs Service Area was issued on September 4, 2007, and successful bidders were identified on November 7, 2007. Contracts were executed on November 19, 2007, for services beginning January 1, 2008.

Fiscal Impact No fiscal impact.

ARC 6434B

Rule Summary Makes technical changes to the Adoption Subsidy Program to remove obsolete references and terminology.

Fiscal Impact No fiscal impact.

ARC 6493B

Rule Summary Establishes a new policy for the verification of citizenship and immigration status of children placed in foster care to comply with new federal requirements for the receipt of federal matching funds under federal Title IV-E.

Fiscal Impact If documentation of citizenship cannot be obtained, some federal funding for foster care may be lost; however, it is estimated that this would be an infrequent occurrence and the fiscal impact would be minimal.

STAFF CONTACT: Lisa Burk (Ext. 17942) Jess Benson (Ext. 14611)

DEPARTMENT OF ADMINISTRATIVE SERVICES

ARC 6439B

Rule Summary Updates rules related to preferences and tied bids. Requires preferences, in the case of tied-bids, to be given to Iowa companies that comply with the Iowa Employer Support for Guard and Reserves (ESGR).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 6492B

Rule Summary Changes rules to conform to actual testing practices for avian influenza. Also makes the following changes:

- Adds a provision on the movement of liquid egg products.
- Removes quail from the Avian Influenza Program.
- Adds a new low-pathogen test as another testing method used for detection of avian influenza.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

DEPARTMENT OF CULTURAL AFFAIRS

ARC 6460B

Rule Summary Updates rules governing the administration of the cultural grant programs.

Fiscal Impact No fiscal impact.

ARC 6462B

Rule Summary Identifies grantees in the Cultural Enrichment Grant Program as "Partner Organizations" with a multi-year grantee relationship with the State. Sets standards for eligibility and funding.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

EMPLOYMENT APPEAL BOARD

ARC 6432B

Rule Summary Repeals rules pertaining to the authority to hear elevator appeals. The Employment Appeal Board no longer has the authority to hear these appeals.

Fiscal Impact No fiscal impact.

ARC 6433B

Rule Summary Repeals rules pertaining to the authority to hear boiler and unfired steam pressure vessel appeals. The Employment Appeal Board no longer has the authority to hear these appeals.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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IOWA EMPOWERMENT BOARD

ARC 6429B

Rule Summary Reflects recent statutory changes, including the addition of Iowa Workforce Development to the agencies represented on the Iowa Empowerment Board, the definition of home visitation, and the establishment of a gifts and grants account. Clarifies the process for carry-forward of funds. Adds the requirement that local boards implement a fiscal assessment and specifies what the assessment must include.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

ENGINEERING AND LAND SURVEYING EXAMINING BOARD

ARC 6497B

Rule Summary Defines engineering examination misconduct and specifies when the Board may impose sanctions. Explains the legal rights of candidates charged with examination subversion.

Fiscal Impact No fiscal impact.

ARC 6499B

Rule Summary Gives the Engineering and Land Surveying Examining Board more flexibility in reconciling requirements for applicants initially licensed in a jurisdiction other than Iowa.

Fiscal Impact No fiscal impact.

ARC 6498B

Rule Summary Defines land surveying examination misconduct and specifies when the Board may impose sanctions. Explains the legal rights of candidates charged with examination subversion.

Fiscal Impact No fiscal impact.

ARC 6496B

Rule Summary Revises the compensation methods for peer reviewers that contract with the Engineering and Land Surveying Examining Board. A variety of payment methods will be available such as a per diem amount or an hourly rate on a case-by-case basis.

Fiscal Impact Minimal fiscal impact. The peer review contracts will continue to cap the amount of payment provided similar to the current cap.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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HISTORICAL DIVISION - DEPARTMENT OF CULTURAL AFFAIRS

ARC 6529B

Rule Summary Allows for a broader range of participation in the Historical Society's award programs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

ARC 6451B

Rule Summary Adopts the updated Iowa Hazard Mitigation Plan. The Plan has been through a three-year review process and has been approved by the Federal Emergency Management Agency (FEMA).

Fiscal Impact No fiscal impact.

ARC 6468B

Rule Summary Changes the filing office for reports required under Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), from the Department of Workforce Development to the Department of Natural Resources.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

ARC 6514B

Rule Summary Implements lower contribution rates for special service members. Increases the amount required for a temporary employee to begin Iowa Public Employees' Retirement System (IPERS) coverage from \$300 to \$1,000, in two consecutive quarters. Clarifies IPERS coverage for part-time appointed board or commission members.

Fiscal Impact Total contributions will decrease by an estimated \$356,000 for FY 2009 compared to FY 2008. There may be moderate increases in fees and charges to employers if they do not conform to the proposed rule changes.

ARC 6513B

Rule Summary Reflects internal changes to the administration process of Qualified Domestic Relations Orders (QDROs). The QDROs recognize the existence of an alternate payee's right to receive all or a portion of the benefits payable to a member of the Iowa Public Employees' Retirement System (IPERS).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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LABOR SERVICES DIVISION, DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 6519B

Rule Summary Adopts by reference, changes to federal occupational safety and health standards affecting general industry and construction. The changes shift the costs of certain personal protective equipment from employees to employers.

Fiscal Impact No fiscal impact to the State. There is no reliable method to determine how much of the cost of purchasing personal protective equipment will be shifted from employees to employers; nor, is there a reliable method to determine the savings resulting from a reduction in injuries.

ARC 6510B

Rule Summary Rescinds the Elevator Safety Board's prior adoption of the American Society of Mechanical Engineers rules relating to the numbering of elevator buttons.

Fiscal Impact No fiscal impact.

ARC 6500B

Rule Summary Amends the rules for the issuance of waivers or variances by the Boiler and Pressure Vessel Board.

Fiscal Impact No fiscal impact.

ARC 6502B

Rule Summary Clarifies safety requirements for temporary boilers, to facilitate the automatic transfer of waivers from one building owner to the next, and to enhance compliance with the statutory ten-day notice requirement before installation, to protect the safety of the public.

Fiscal Impact No fiscal impact.

ARC 6503B

Rule Summary Updates language relating to identification numbers on objects subject to the jurisdiction of the Boiler and Pressure Vessel Board. Exempts cast iron and cast aluminum boilers from the requirements that boilers be registered with the National Board of Boiler and Pressure Vessel Inspectors (National Board).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

IOWA BOARD OF MEDICINE

ARC 6489B

Rule Summary Increases the fee for license renewal, reinstatement, and resident physician licenses by \$50. Increases the fee to process criminal history background checks by \$9, and the renewal penalty fee by \$50 per month.

Fiscal Impact The Board retains 100.0% of fees collected to carry out Board duties and responsibilities. The increased fees are expected to generate an estimated \$136,000 in revenues for the Board in FY 2008 and an estimated \$272,000 in subsequent fiscal years when the fee revenue is annualized.

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ARC 6488B

Rule Summary Updates the Board's web site address. Provides clarification regarding processes for conducting complaints and investigations, allowing for some complaints to be closed without investigation. Changes confidentiality of orders and reports to allow investigative information to be turned over to the licensee in the event of an objection to give the licensee the opportunity to prepare for hearing.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

IOWA BOARD OF PHARMACY

ARC 6436B

Rule Summary Eliminates the term “examiners” from the name of the Board and changes references to the Board’s Chief Administrative Officer from “Executive Secretary” or “Executive Secretary/Director” to “Executive Director.” Changes fee amounts to reflect the amounts that have been charged since FY 2005 for the various licenses, permits, and registrations.

Fiscal Impact No fiscal impact. The fees are the same amounts that have been charged over the past three years for licenses, registration, and permits. The Board retains 100.0% of fees received to cover Board expenditures.

ARC 6483B

Rule Summary Establishes a Pharmacy Technician Registration Program that requires national certification of Pharmacy Technicians by July 1, 2010. Provides for the temporary registration of individuals in the process of obtaining national certification and sets registration and renewal fees. Changes the Board's name by eliminating the term "Examiners."

Fiscal Impact The Board currently registers an estimated 6,000 Pharmacy Technicians biennially. The fee increase to \$10 every two years for each registered Pharmacy Technician will increase Board revenues by an estimated \$30,000 annually. The Board retains 100.0% of fees received to cover Board expenditures.

ARC 6438B

Rule Summary Deletes incorrect references to a previously rescinded rule relating to sterile compounding procedures and requirements and corrects those references previously adopted to replace the rescinded rule.

Fiscal Impact No fiscal impact.

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ARC 6485B

Rule Summary Specifies that a pharmacy contracting with a hospital pharmacy to provide remote pharmacist review and verification of patient-specific drugs or devices ordered for a patient when the hospital pharmacy is closed may include, as a part of those contracted services, pharmacist order entry of the medication order. Provides that a written or verbal patient-specific medication order is not required prior to administration to an adult patient of influenza and pneumococcal polysaccharide vaccines pursuant to a physician-approved hospital or facility policy and following patient assessment for contraindications.

Fiscal Impact No fiscal impact.

ARC 6437B

Rule Summary Prohibits a prescriber from authorizing no more than 12 refills of a non-controlled prescription drug or device to be filled within 18 months of the original date of the prescription drug order and clarifies the meaning of the term “refill.”

Fiscal Impact No fiscal impact.

ARC 6482B

Rule Summary Provides for continuing basic pharmacy services in small rural communities by permitting a pharmacy in another community to manage a remote dispensing site utilizing automated medication distribution systems and an integrated electronic audiovisual communication link with a certified pharmacy technician and with patients at the remote site.

Fiscal Impact No fiscal impact.

ARC 6484B

Rule Summary Authorizes pharmacies to consolidate or centralize certain functions relating to the processing and dispensing of prescription drugs to provide a means of balancing pharmacist and pharmacy technician workloads across geographic regions while ensuring patient access to safe and effective pharmaceutical services.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PROFESSIONAL LICENSURE DIVISION

ARC 6501B

Rule Summary Updates requirements for foreign-trained applicants for licensure as physical therapists and physical therapist assistants. Clarifies supervisory requirements for physical therapist assistants and stipulates that a physical therapist assistant must list on every patient chart the name of the physical therapist assistant’s supervisor for each treatment session. Updates standards for physical therapists regarding direct client contact based on patient status. Changes the Board’s name to the Board of Physical and Occupational Therapy to comply with SF 74 (Renaming Health-Related Examining Boards Act) that renamed health-related examining boards as licensing boards.

Fiscal Impact No fiscal impact.

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ARC 6487B

Rule Summary Adds an additional examination to the list of those that may be taken to qualify for licensure as a Sign Language Interpreter.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC HEALTH

ARC 6464B

Rule Summary Provides local boards of health, or the Department of Public Health, with the ability to quarantine a physical location to control the spread of an infectious disease.

Fiscal Impact Minimal fiscal impact. There would be costs associated with staff time for the Department, or local public health entity, to prepare and monitor the quarantine area.

ARC 6463B

Rule Summary Establishes rules for the Viral Hepatitis Program. The Program distributes information, offers Hepatitis A and B vaccinations and Hepatitis C (HCV) testing to citizens and veterans at an increased risk for exposure to HCV.

Fiscal Impact The fiscal impact is an estimated \$178,000 from the General Fund, which is included in the Department's FY 2008 budget. This includes \$158,000 for a testing study and vaccinations and \$20,000 for veterans awareness.

ARC 6466B

Rule Summary Rescinds rules that pertained to the End-Stage Renal Disease Program that was repealed by the Legislature.

Fiscal Impact No fiscal impact.

ARC 6465B

Rule Summary Rescinds rules that pertained to Scope of Practice Review Committees.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

REAL ESTATE COMMISSION

ARC 6490B

Rule Summary Clarifies that records can be retained in electronic form. Adds minimum requirements to ensure that documents are formatted for easy retrieval. Clarifies types of records required to be kept by Iowa real estate brokers. Requires original documents to be legible or they will not be accepted by the Real Estate Commission.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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REAL ESTATE APPRAISER EXAMINING BOARD

ARC 6504B

Rule Summary Updates continuing education requirements to bring the Real Estate Appraiser Examining Board in compliance with federally regulated guidelines.

Fiscal Impact No fiscal impact.

ARC 6505B

Rule Summary Updates and clarifies the disciplinary actions process of the Real Estate Appraiser Examining Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

STATE PUBLIC DEFENDER

ARC 6453B

Rule Summary Streamlines the process used by the State Public Defender to enter into attorney contracts to provide legal services to eligible clients.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

DEPARTMENT OF TRANSPORTATION

ARC 6512B

Rule Summary Changes references reflecting the relocation of offices within the Department's Motor Vehicle Division from Park Fair Mall in Des Moines to Ankeny.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION, DEPARTMENT OF COMMERCE

ARC 6476B

Rule Summary Removes a voluntary energy conservation requirement for utilities and electric cooperatives. Current legislation mandates municipal utilities and electric cooperatives file energy efficiency plans with the Utilities Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF VETERANS AFFAIRS

ARC 6491B

Rule Summary Specifies that the Department of Veterans Affairs has jurisdiction regarding the transfer, sale, or trade of commemorative veteran property.

Fiscal Impact No fiscal impact. Possible administrative costs will be absorbed by the Department.

STAFF CONTACT: Sue Lerdal (Ext. 17794)
