



## Fiscal Services Division

### ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

**March 1, 2016**

*Iowa Code section 17A.4(4) 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://www.legis.iowa.gov/law/administrativeRules/arrc/fiscalImpact>*

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#### Department of Human Services

#### **ARC 2380C**

**Rule Summary** Implements the changes in employment service definitions as provided by the Centers for Medicaid Services (CMS) in the September 16, 2011, informational bulletin and 2015 technical guide. This rule changes the provider qualifications, service scope, duration, limitation and reimbursement methodologies for the Home and Community-Based Services (HCBS) Prevocational and Supported Employment services within the Habilitation program and the Intellectual Disability (ID) and Brain Injury (BI) waivers.

**Agency Stated Authority:** Iowa Code section 249A.4.

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. The expanded employment services and rates will increase Medicaid costs, but this will be offset by lower prevocational rates and a shift in some services to Iowa Vocational Rehabilitative Services (IVRS). The implementation model predicts budget neutrality in FY 2016 and budget savings in future fiscal years.

**LSA Response:** The LSA concurs.

#### **ARC 2426C**

**Rule Summary** Implements the January 1, 2016, increased personal needs allowance for two State Supplementary Assistance categories, Residential Care Facilities (RCF) and Family Life Home Assistance.

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**Agency Stated Authority:** Iowa Code section 217.3(6) and Senate File 505 (FY 2016 Health and Human Services Appropriations Act), section 14.

### Fiscal Impact

**Agency Response:** The RCF and Family Life Home Personal Needs Allowances (PNA) are increasing by \$2 from \$101 to \$103 per month. For Family Life Home recipients, the \$2 increase in the personal needs deduction is offset by a \$2 decrease in the combined monthly payment to the Family Life Home from \$794 to \$792. The client will pay \$2 less and the state will continue to pay the same amount as in 2015. There will be no increased cost for the state for Family Life Home for FY 2016 or FY 2017.

For RCF recipients, the state will pay an additional \$2 per recipient per month as the total payment to the facility remains the same while the recipient pays \$2 less per month. This will result in an estimated increase in state expenditures of \$10,000 for FY 2016 and an increase of \$19,000 for FY 2017.

**LSA Response:** The LSA concurs.

### Rule Summary

Removes form numbers and alters form names in the Iowa Administrative Code (IAC) pertaining to the dissemination of adult abuse information. Child Abuse and Dependent Adult Abuse forms were merged to simplify the process for the requesters of information. The department-prescribed form for individuals requesting child and dependent adult abuse information is entitled "Request for Child and Dependent Adult Abuse Information". Health care programs requesting dependent adult abuse background checks on employee applicants and employees by use of the Internet electronic information system must complete the department-prescribed form entitled Access to Confidential Abuse Information and "Non-Redissemination Agreement".

**ARC 2427C**

**Agency Stated Authority:** Iowa Code section 235B.5(1).

### Fiscal Impact

**Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Alcoholic Beverages Division

### Rule Summary

Establishes guidelines for class "C" beer permit holders to fill and sell beer in a container other than the original container, subject to and mandated by 2015 Iowa Acts, SF 456 (Draft Beer Sales Act) section 1, and SF 510 (Standing Appropriations Act) section 14, pursuant to rules adopted by the Alcoholic Beverages Division (IABD).

**ARC 2382C**

**Agency Stated Authority:** Iowa Code section 123.21.

### Fiscal Impact

**Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Office of the Chief Information Officer**

**ARC 2421C**

**Rule Summary** Creates a chapters to describe the Office's internal organizational structure and to establish how the Office will interact with the public in carrying out its duties and responsibilities.

- Chapter 1 - Describes the Office's mission and internal organizational structure.
- Chapter 2 - Describes the information and records collected by the Office and the procedures by which individuals may interact with the Office in order to access and alter such records.
- Chapter 3 - Sets the requirements related to petitioning the Office to adopt new rules.
- Chapter 4 - Sets the requirements related to declaratory orders.
- Chapter 5 - Describes the procedures related to the Office's adoption of rules and regulations.
- Chapter 6 - Sets the rules and procedures that will govern contested case proceedings conducted by the Office.

**Agency Stated Authority:** Iowa Code chapters 8B, 17A, and 22.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Dental Board**

**ARC 2432C**

**Rule Summary** Clarifies supervision requirements in an accredited dental hygiene program by establishing supervision criteria for student practice in clinical skills.

**Agency Stated Authority:** Iowa Code section 147.76 and 153.33.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**ARC 2423C**

**Rule Summary** Implements HF 202 (Retired Volunteer Dental Licenses Act) to establish the criteria for application and qualification for obtaining a retired volunteer license for a dentist or dental hygienist. The applicant must have retired from the practice of dentistry or dental hygiene, to enable the dentist or dental hygienist to provide volunteer dental or dental hygiene services without having to maintain an active license.

**Agency Stated Authority:** Iowa Code sections 147.76 and 272C.2.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs. The Dental Board has decided not to pursue programming this licensing type in the standard system due to the high programming cost. As discussed during the subcommittee process on this legislation, the plan is to use paper applications and manually track these licenses to gauge interest until there is sufficient volume to warrant the addition into the system.

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## ARC 2431C

**Rule Summary** Clarifies supervision requirements in an accredited dental assistant program by establishing supervision criteria for students practicing clinical skills.

**Agency Stated Authority:** Iowa Code sections [147.76](#), [153.33](#), and [153.38](#).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Educational Examiners Board

### ARC 2412C

**Rule Summary** Revises elementary endorsements by:

- Updating the requirements for endorsement 100 (Birth-Grade 3 Inclusive) to reflect national standards for both regular education and special education students in early childhood inclusive settings.
- Updating the requirements for endorsement 103 (PK-K) to reflect national standards in early childhood education at a minimum of 18 semester hours.
- Requiring that candidates for endorsement 103 also have the 102 (K-6 elementary classroom teacher) endorsement. Endorsement 103 cannot be offered without having achieved endorsement 102.
- Eliminating endorsement 106, a redundancy with the preceding revision. Institutions of Higher Education (IHE) programs that still offer endorsement 106 can instead offer the updated 103 endorsement with endorsement 102, or offer endorsement 100.

**Agency Stated Authority:** Iowa Code section [272.2\(1\)\(a\)](#).

**Fiscal Impact** **Agency Response:** The proposed amendments will not require any additional board expenditures or affect Board revenue.

**LSA Response:** The LSA concurs.

### ARC 2397C

**Rule Summary** Changes the number of practicum and internship hours required to add the grades K-8 and grades 5-12 Professional School Counselor endorsement to both an Iowa teaching license and an Iowa professional service license. Hours are changed from 500 hours at the K-8 level and 500 hours at the 5-12 level to a minimum of a 100 hour practicum and a minimum 600 hour supervised internship. For candidates seeking both the K-8 and 5-12 professional school counselor endorsements, a minimum of 100 practicum hours or internship experiences must be completed.

**Agency Stated Authority:** Iowa Code section [272.2\(1\)\(a\)](#).

**Fiscal Impact** **Agency Response:** The amendments will not require any additional expenditures and will not affect Board revenue.

**LSA Response:** The LSA concurs.

### ARC 2411C

**Rule Summary** Allows the Board to issue a substitute authorization for the paraeducator certificate, removing the requirement for a separate renewal. Lengthens the substitute authorization from three to five years to reflect other license types.

**Agency Stated Authority:** Iowa Code section 272.2(1)(a).

**Fiscal Impact**      **Agency Response:** The proposed amendments will not require any additional Board expenditures, and will not affect Board revenue.

**LSA Response:** The LSA concurs.

**Rule Summary**      Revises the Early Childhood Paraeducator area of concentration by changing the list of competencies required. **ARC 2410C**

**Agency Stated Authority:** Iowa Code section 272.2(1)(a).

**Fiscal Impact**      **Agency Response:** The proposed amendments will not require any additional Board expenditures, and will not affect Board revenue.

**LSA Response:** The LSA concurs.

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**Engineering and Land Surveying Examining Board**

**Rule Summary**      Updates Iowa’s Fundamentals of Engineering exam application process as a result of a change in the availability of testing dates. Examination dates are now available year-round as opposed to only certain windows of time. **ARC 2388C**

**Agency Stated Authority:** Iowa Code section 542B.6.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Homeland Security and Emergency Management**

**Rule Summary**      Updates the membership roster of the Iowa Emergency Response Commission in accordance with Iowa Code chapter 30. **ARC 2383C**

**Agency Stated Authority:** Iowa Code sections 17A.3 and 30.5.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**      Updates the membership roster of the Iowa Emergency Response Commission to comply with Iowa Code chapter 30. **ARC 2384C**

**Agency Stated Authority:** Iowa Code sections 17A.3 and 30.5.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Rule Summary** **ARC 2385C**  
Updates Iowa Administrative Code (IAC) to reflect changes that have occurred in Iowa Code chapters 29C and 30. These changes update the name of the department and update memberships of Local Emergency Planning Committee members.

**Agency Stated Authority:** Iowa Code section 17A.3 and 30.5.

**Fiscal Impact** **Agency Response:** There is no fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 2386C**  
Updates reporting form name, address, and contact phone numbers. They also continue the conversion of the department from a division to accurately reflect Iowa Code chapters 29C and 30.

**Agency Stated Authority:** Iowa Code sections 17A.3 and 30.5.

**Fiscal Impact** **Agency Response:** There is no fiscal impact.

**LSA Response:** The LSA concurs.

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### Department of Inspections and Appeals

**Rule Summary** **ARC 2404C**  
Amends and updates the procedures related to subpoenas in contested case proceedings before the Administrative Hearings Division. The amendments provide clarity to recipients of a subpoena from the Division, adding the relevant requirements from Iowa Rule of Civil Procedure 1.1701, modified as necessary to reflect the distinction between court and administrative proceedings.

**Agency Stated Authority:** Iowa Code section 10A.801.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 2395C**  
Eliminates the requirement that an individual must first be a certified nursing assistant (CNA) prior to becoming a certified medication aide (CMA) in residential care facilities, residential care facilities for persons with mental illness, or residential care facilities for the intellectually disabled. References to a residential aide course also are eliminated as this course is no longer available.

**Agency Stated Authority:** Iowa Code sections 10A.104(5) and 135C.14.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Iowa Public Employees' Retirement System

### ARC 2402C

#### Rule Summary

Adopts the following changes:

- Implements contribution rates for regular and special service members beginning July 1, 2016.
- Clarifies an existing rule and adopts a new rule regarding leased employees.
- Requires certification by employers that their Section 125 plans meet all Internal Revenue Code requirements.
- Clarifies that members retiring under Option 1 may increase the lump-sum death benefit with a service purchase that will be balanced out by a reduced monthly benefit amount.
- Conforms rule language with the statute and removes unclear language regarding reinstatement following an involuntary termination and taking a refund.
- Includes the available percentages a member must select to be payable to their contingent annuitant, when a member retires under Options 4 or 6.
- Clarifies reemployment/income monitoring and moves offset language to a new rule detailing the offsets taken in the case of special service disability payments received by a member for the same illness or injury and how they are calculated.
- Clarifies acceptable proof of death for beneficiary payments to clarify preretirement death benefits payable to beneficiaries of inactive members for deaths occurring before June 30, 2012, and adopts a new rule for deaths occurring after June 30, 2012.
- Removes language regarding opposite gender spouse from the definition of "Qualified Domestic Relations Order" or "QDRO."
- Conforms IPERS with Internal Revenue Service (IRS) reporting requirements for distributions to non-spouse successor alternate payees.
- Clarifies procedures when a post divorce beneficiary designation is updated by a member.
- Clarifies proof-of-death requirements when an alternate payee predeceases a member.
- Clarifies procedures regarding refund payments made when a QDRO is involved and the alternate payee has not returned a completed application by the deadline.
- Clarifies that payment of an alternate payee benefit under a QDRO will follow the payroll schedule.
- Removes the written signature requirement in answering an open records request.
- Updates terms to be consistent with IPERS practice in appeals.

**Agency Stated Authority:** Iowa Code sections 97B.4 and 97B.15.

#### Fiscal Impact

**Agency Response:** The contribution rates for Sheriffs and Deputies will decrease in for FY 2017 and therefore the impact to these covered employers and members is an estimated savings of \$550,000 in total. For Sheriffs and Deputies, contribution amounts are split 50/50 between employers and members. The current FY 2016 contribution rate is 19.76% with an employer contribution rate of 9.88% and a member contribution rate of 9.88%. The total contribution will decrease by 0.50% in FY 2017 from 19.76% to 19.26% resulting in an employer contribution rate of 9.63% and a member contribution rate of 9.63%.

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Estimated IPERS Contributions For Sheriffs and Deputies										
Employer Type	Projected Wages	FY 2016			FY 2017			Member Difference	Employer Difference	Total Difference
		Member Contribution	Employer Contribution	Combined Rate	Member Contribution	Employer Contribution	Combined Rate			
County	\$109,952,212	\$10,863,279	\$10,863,279	\$21,726,557	\$10,588,398	\$10,588,398	\$21,176,796	\$274,881	\$274,881	\$549,761

The remaining IPERS rules changes conform with policy and procedure changes, with IRS rules and regulations, state statutes, and/or court decisions, and do not have any fiscal impact to the state.

**LSA Response:** The LSA concurs.

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## Labor Services Division

**Rule Summary** **ARC 2396C**  
 Changes the safety standards governing alterations of residential elevators installed in public buildings and escalators by making the more flexible American Society of Mechanical Engineers (ASME) standards applicable.

**Agency Stated Authority:** Iowa Code section 89A.3.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 2403C**  
 Adopts by reference changes to the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, National Electrical Code, National Fire Protection Association, and National Board of Inspection Code.

**Agency Stated Authority:** Iowa Code section 88.14.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 2419C**  
 Expands reporting requirements related to boiler and pressure vessels to include certain repairs, alterations, injuries, and illnesses. The rules also consolidate all reporting requirements in one rule.

**Agency Stated Authority:** Iowa Code section 89.14.

**Fiscal Impact** **Agency Response:** Contractors are already completing the alteration and repair forms and submitting them to the National Board of Boiler and Pressure Vessel Inspectors. It will be minimal additional cost to send the same forms to the Division. Based on data compiled by the National Board of Boiler and Pressure Vessel Inspectors, the Division anticipates that only a small number of illnesses and injuries will be reported annually.

**LSA Response:** The LSA concurs.

**ARC 2394C**

**Rule Summary** Rescinds and updates obsolete rules. Duties pertaining to the hazardous chemical inventory were transferred from the Division to the Department of Natural Resources, making three rules obsolete. The Division of Labor rules governing hearing procedures were transferred from one chapter to another, making amendments to two rules necessary.

**Agency Stated Authority:** Iowa Code section 91.6.

**Fiscal Impact** **Agency Response:** No fiscal impact to the state.

**LSA Response:** The LSA concurs.

**ARC 2389C**

**Rule Summary** Aligns the rules with statutory authority, updates obsolete rules, and makes editorial changes, related to employer requirements relating to non-English speaking employees.

**Agency Stated Authority:** Iowa Code section 91E.5.

**Fiscal Impact** **Agency Response:** No fiscal impact to the state.

**LSA Response:** The LSA concurs.

**ARC 2428C**

**Rule Summary** Rescinds two existing chapters concerning amusement rides and related equipment, and adopts three new chapters in their place. The new rules adopt by reference national industry standards concerning covered amusement equipment. Includes standards for tramways and bungee jumping. The proposed new rules clarify the scope of jurisdiction over amusement devices and concession booths; set forth procedures for owners to perform the required annual inspections in limited circumstances; set minimum standards for employees of amusement operations; codify existing practices for many administrative functions; set forth procedures for denial, termination, suspension, or revocation of an operating permit or sticker; set forth procedures for leasing covered equipment; and, conform to various statutory provisions. Certain amusements at schools have been added to the list of exemptions since the rules were first noticed.

**Agency Stated Authority:** Iowa Code section 89A.3.

**Fiscal Impact** **Agency Response:** These changes will have no apparent effect on state revenue or expenses. There may be some expenses incurred by operators. However, some provisions have a five-year grace period and the Division believes many operators are already following industry standards.

**LSA Response:** The LSA concurs.

**ARC 2422C**

**Rule Summary** Establishes new rules specific to elevators in broadcast towers, including providing for existing practices for scheduling inspections. Requires safety upgrades, including anchor points for fall protection gear and an emergency stop switch on top of the car. There are approximately 12 elevators in broadcast towers in Iowa.

**Agency Stated Authority:** Iowa Code section 89A.3.

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**Fiscal Impact**      **Agency Response:** The projected cost of installing the safety mechanisms is approximately \$4,000 per elevator for a statewide total of less than \$50,000. Since The Iowa Public Television owns three of the towers, the cost to the state will be approximately about \$12,000.

**LSA Response:** The LSA concurs.

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### Natural Resource Commission

#### **ARC 2398C**

**Rule Summary**      Outlines the process for qualified nonresident disabled active members or veterans of the armed forces to obtain special hunting privileges. Also defines new terms, makes technical corrections, and specifies that the Natural Resource Commission authorizes the Director to issue these special nonresident deer and turkey licenses.

**Agency Stated Authority:** Iowa Code section 483A.24.

**Fiscal Impact**      **Agency Response:** The fiscal impact is a decrease of less than \$100,000 per year to the Fish and Game Protection Trust Fund.

**LSA Response:** The LSA concurs. The annual loss to the Fish and Game Protection Trust Fund is estimated at \$18,000 per year. This information was provided to the LSA prior to enactment of HF 361 (FY 2013 Hunting Licenses for Disabled Veterans Act).

#### **ARC 2409C**

**Rule Summary**      Adjusts the season dates for waterfowl and coot hunting to comply with anticipated 2016-2017 federal regulations based on meetings with the United States Fish and Wildlife Service (USFWS). Every five years the USFWS allows states to change their waterfowl hunting zone boundaries. Iowa's changes must be submitted no later than May 1, 2016, and will be implemented in the fall 2017 season and continue through the spring of 2021. The proposed amendments expand the existing Missouri River zone south along Interstate 29 to the Missouri border. Except for this southern expansion, the North and South zones otherwise remain the same. Because of the need to have the expanded Missouri River zone codified in Iowa rule by May 1, 2016, the Commission must begin the rule making process now, rather than wait until USFWS finalizes its regulations.

**Agency Stated Authority:** Iowa Code section 455A.5(6).

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Department of Natural Resources

#### **ARC 2379C**

**Rule Summary**      Details the process for qualified nonresident disabled active members or veterans of the armed forces to obtain special hunting privileges. There will be 25 nonresident deer licenses and 25 turkey and small game licenses allocated.

**Agency Stated Authority:** Iowa Code section 455A.4.

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**Fiscal Impact**      **Agency Response:** The 50 licenses will be sold at resident prices instead of nonresident, resulting in a small decrease in fees to the Fish and Game Trust Fund.

**LSA Response:** The LSA concurs.

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### Pharmacy Board

**Rule Summary**      **ARC 2405C**  
Accepts Individual Tax Identification Numbers in lieu of Social Security numbers on the application for registration as a pharmacist-intern.

**Agency Stated Authority:** Iowa Code sections [147.76](#) and [155A.6](#).

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**      **ARC 2408C**  
Incorporates federal regulations finalized in October 2014 that authorize certain pharmacies to voluntarily maintain an authorized collection program to collect unwanted controlled substances from patients for the purpose of disposal.

**Agency Stated Authority:** Iowa Code section [147.76](#).

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**      **ARC 2414C**  
Implements prescription of epinephrine auto-injectors in the name of a facility defined in Iowa Code section [135.185](#), a school district, or an accredited nonpublic school that voluntarily chooses to stock an epinephrine injector supply.

**Agency Stated Authority:** Iowa Code section [147.76](#).

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**      **ARC 2413C**  
Requires the initial record or report of a continuous quality improvement program event to be documented no later than three days following the date that an error or event was discovered.

**Agency Stated Authority:** Iowa Code section [147.76](#).

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**      **ARC 2407C**  
Designates certain identified substances as controlled substances: three synthetic cannabinoids and acetyl fentanyl, that are temporarily placed into Schedule 1 of the Iowa Controlled Substances Act. Temporarily removes naloxegol from Schedule 1.

This is a new molecular entity and derivative of naloxone. The Food and Drug Administration (FDA) recently approved naloxegol for marketing for the treatment of opioid-induced constipation in adults with chronic non-cancer pain.

**Agency Stated Authority:** Iowa Code section 124.201.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** Defines the term “office use” related to compounded drug products that are distributed to a practitioner for administration to a patient in the course of their professional practice. **ARC 2418C**

**Agency Stated Authority:** Iowa Code section 147.76.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** Eliminates the requirement for individual prescription identification in patient medication paks. **ARC 2406C**

**Agency Stated Authority:** Iowa Code section 147.76.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Revenue**

**Rule Summary** Amends the process and criteria the Department considers in granting innocent spouse relief by referring directly to the relevant sections of the federal code and related regulations. Going forward, the Department will presume that a person granted innocent spouse relief for federal purposes also qualifies for Iowa purposes. In addition, there will be a rebuttable presumption that a person who has not been approved for federal purposes does not qualify as an innocent spouse for Iowa purposes. **ARC 2393C**

**Agency Stated Authority:** Iowa Code sections 17A.3 and 421.14.

**Fiscal Impact Agency Response:** As it is difficult to estimate how many individuals will qualify for this type of relief in the future, no fiscal impact can be estimated at this time.

**LSA Response:** The LSA concurs.

**Rule Summary** Updates cross-references to reflect the recent reorganization of Iowa Code chapter 99B “Games of Skill or Chance, and Raffles” resulting from the enactment of SF 482, 2015 Iowa Acts. The rule on withholding income tax has also been updated to include bingo in the list of gambling activities on which income tax must be withheld on prizes over a certain amount in order to reflect the new Code language. **ARC 2434C**

**Agency Stated Authority:** Iowa Code section 421.4.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**State Public Defender**

**ARC 2378C**

**Rule Summary** Establishes measures to promote fairness in the review of claims of contract attorneys and other professionals that render services on behalf of indigent clients. The proposed amendments make technical and substantive revisions to promote fairness in the claims review process. In addition, the amendments expand the types of misdemeanor cases in which the state public defender system provides representation to indigent persons to comply with the Iowa Supreme Court decision in *State v. Young*, 863 N.W.2d 249 (Iowa 2015). The rule also expands the purposes for which evaluations may be court ordered to comply with the Iowa Supreme Court decision in *State v. Lyle*, 854 N.W. 2d 378 (Iowa 2014).

**Agency Stated Authority:** Iowa Code section 13B.4(8).

**Fiscal Impact Agency Response:** The measures affecting the claims review process will have minimal to no fiscal impact.

The constitutionally required standards from the *State v. Lyle* and *State v. Young* decisions have already been imposed. The rule change should create no additional cost to the Indigent Defense Fund beyond the additional cost already imposed as a result of compliance with the decisions themselves. The fiscal impact regarding the additional evaluations required by the *State v. Lyle* decision is unknown.

**LSA Response:** The LSA concurs. The rule change will have no additional fiscal impact to the Indigent Defense Fund beyond the additional cost already imposed as a result of compliance with the *State v. Young* and *State v. Lyle* decisions.

As of November 4, 2015, the cost generated by stand-alone misdemeanors has increased by \$132,000 in FY 2016. For FY 2016, the projected total cost increase to the indigent defense fund is \$396,000.

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**Iowa Telecommunications and Technology Commission**

**ARC 2381C**

**Rule Summary** Adds an exception to the open records statute for records related to security procedures or emergency preparedness consistent with Iowa Code section 22.7(50).

**Agency Stated Authority:** Iowa Code section 8D.3(3)(b).

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Transportation (DOT)**

**ARC 2392C**

**Rule Summary** Updates the years associated with the Farm-to-Market Review Board rotation cycle, clarifies that meeting agendas are posted online, and removes outdated language.

**Agency Stated Authority:** Iowa Code sections 306.6A, 307.12, and 307A.2 and HF 635 (2015 Transportation Omnibus Act).

**Fiscal Impact** **Agency Response:** No fiscal impact

**LSA Response:** The LSA concurs.

**ARC 2401C**

**Rule Summary** Adopts amendments to comply with Federal Motor Carrier Safety Regulations (FMCSR) and Hazardous Material Regulation (HMR). The amendments adopt by reference federal rules related to technical changes and corrections, regulation during emergency events, extending a mandatory compliance date, permits, and regulations for commercial motor vehicles (CMV). The rulemaking maintains alignment with international standards. Adopts an FMCSR rule to require certified medical examiners performing physical examinations of CMV drivers to use a newly developed Medical Examination report form.

**Agency Stated Authority:** Iowa Code sections 307.12, 307A.2, 321.449 and 321.450.

**Fiscal Impact** **Agency Response:** The federal regulations to be adopted by this rulemaking were subject to fiscal impact review for state governments. It was determined there would be no fiscal impact. The Iowa DOT agreed with this analysis.

**LSA Response:** The LSA concurs.

**ARC 2425C**

**Rule Summary** Amends seven Iowa Administrative Code (IAC) chapters that are under the purview of the Office of Local Systems. This rulemaking adopts the following changes:

- Allows the DOT to expend City Bridge Construction Funds on Primary Road extensions.
- Extends the Highway Bridge Program.
- Clarifies that instructional memorandums are provided to local public agencies rather than solely to county engineers.
- Clarifies the list of highway related services and supplies that local governments may request from the DOT.
- Updates the definition of city to clarify that the Amana Colonies is required to complete all portions of the annual Street Finance Report.
- Clarifies implementation sentences, reorders, and rennumbers chapters as necessary.

**Agency Stated Authority:** Iowa Code sections 307.12 and section 307A.2 as amended by 2015 Iowa Acts, HF 635 (2015 Transportation Omnibus), section 20.

**Fiscal Impact** **Agency Response:** Changes in this rulemaking will reduce the printing and copying of multiple documents because they are available electronically and reduce mailing costs. The DOT expects increased efficiencies and reduced costs through automation. This rulemaking will continue the dedicated bridge funding program that is funded through federal funds.

**LSA Response:** The LSA concurs. Decreased printing costs may increase funding available for other administrative activities. Allowing funds from the City Bridge Construction Fund to be spent on primary road extensions will allow expenditures on previously ineligible items. Funding for this program is provided through an annual statutory allocation, and this change will not increase available funds.

**ARC 2424C**

**Rule Summary** Outlines procedures for victims of identity theft to initiate a request to the DOT for investigation into the matter when related to convictions on driving records. Clarifies the required form for a victim to request an investigation. Requires the DOT to review the applications to determine the appropriateness of the application.

**Agency Stated Authority:** Iowa Code sections 307.12 and 321.200A and 307A.2.

**Fiscal Impact** **Agency Response:** The process outlined in these proposed rules is already in place and does not change current procedures so there is no fiscal impact.

**LSA Response:** The LSA concurs.

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**Iowa Department of Veterans Affairs**

**ARC 2399C**

**Rule Summary** Increases the maximum amount that any individual veterans organization may receive in a calendar year from \$500 to \$1,000 for Honor Guard reimbursement. The amount for individual funerals remains unchanged.

**Agency Stated Authority:** Iowa Code section 35A.13.

**Fiscal Impact** **Agency Response:** This will result in increased threshold spending for Veterans Affairs organizations that perform burial services for veterans.

**LSA Response:** Minimal fiscal impact.

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**Insurance Division**

**ARC 2415C**

**Rule Summary** Amends the Department's current rules regarding the manner in which an insurance company may seek the insurance commissioner's approval of a proposed electronic means of delivery. These amendments result from the passage of HF 504 (Insurance Notices and Documents Act).

**Agency Stated Authority:** Iowa Code section 505.8.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**ARC 2377C**

**Rule Summary** Aligns rules with the procedural requirements and required content of the Corporate Governance Annual Disclosure adopted by the passage of HF 455 (Insurance Corporate Governance Annual Disclosure). The rules outline the requirements for an insurer or insurance group to complete annual corporate governance disclosures for submission to the Insurance Commission.

**Agency Stated Authority:** Iowa Code section 505.8.

**Fiscal Impact**      **Agency Response:** No fiscal impact to the state. Rules that allow insurance groups to use existing documentation in filing the annual report are in place to minimize unnecessary duplication expenses and potential costs that could arise from submitting necessary documentation.

**LSA Response:** The LSA concurs.

**Rule Summary**      Updates the telephone number for the AIDS Hotline as reference in Appendix II to Chapter 15 of the Iowa Administrative Code (IAC). **ARC 2429C**

**Agency Stated Authority:** Iowa Code chapter 507B.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**      Updates the physical address of the Iowa Insurance Division (IID) and eliminates out-of-date Code citations so that newer versions may be referenced and incorporated. **ARC 2430C**

**Agency Stated Authority:** Iowa Code section 514J.117.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**      Clarifies duties of pharmacy benefits managers that will allow the commissioner to administer Iowa Code chapter 510B, pursuant to the enactment of HF 395 (Pharmacy Benefits Managers Regulation Act), 2015 Iowa Acts. **ARC 2433C**

**Agency Stated Authority:** Iowa Code section 510B.3.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Secretary of State**

**Rule Summary**      Implements the Safe at Home Address Confidentiality Program created in HF 585 (Safe At Home Act) by providing for the following:

- A process for renewal and recertification of program participants
- A process for cancellation of certification to the program
- A process for changing program participant voter registration information
- A process for cancellation of program participant absentee ballot voting through the Safe at Home program.

**Agency Stated Authority:** Iowa Code sections 9E.3 and 17A.3

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**Fiscal Impact**      **Agency Response:** Minimal fiscal impact as the infrastructure is already in place, and funding is outlined in Iowa Code chapter 9E.

**LSA Response:** The LSA concurs. Approximately \$42,000 was appropriated in HF 659 (FY 2016 Administration and Regulation Appropriations Act) for start-up costs for the program. In addition, two surcharges were created in HF 585 that took effect July 1, 2015, and the program took effect January 1, 2016. Funds collected from the surcharges are deposited in the Address Confidentiality Program Revolving Fund in the Treasurer of State's Office and are subject to appropriation by the General Assembly.

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### Voter Registration Commission

**ARC 2376C**

**Rule Summary**      Updates to the Motor Voter and online voter registration through the DOT license renewal form on the Department of Transportation's (DOT) website.

**Agency Stated Authority:** Iowa Code sections 47.8, 48A.13, and 17A.4.

**Fiscal Impact**      **Agency Response:** No fiscal impact. The process will use the existing technology infrastructure within the DOT.

**LSA Response:** The LSA concurs.

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### Professional Licensure Division

**ARC 2417C**

**Rule Summary**      Establishes standards for supervision of physician assistants by physicians.

**Agency Stated Authority:** Iowa Code section 148C.3.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Economic Development Authority

**ARC 2420C**

**Rule Summary**      Implements SF 499 (FY 2016 Economic Development Appropriations Act), section 48, by establishing a revolving Nuisance Property Remediation Assistance Fund for purposes of providing financial assistance to cities for the remediation of nuisance properties, abandoned buildings, and other structures. The rules establish a Program to provide the assistance and describe the manner that the Authority intends to implement and administer the Program. The amount of assistance awarded from the Fund is negotiated between each applicant and the Authority based on the total amount of funds available to the Authority for the Program. The Authority Director makes the final funding decision. The terms of the assistance are specified in the contract between the parties and states the loan amount, terms, interest rate, and repayment requirements. The rules specify the scoring criteria. Technical revisions were made since the rule was first noticed.

**Agency Stated Authority:** Iowa Code section 15.106A.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Management**

**ARC 2400C**

**Rule Summary** Rescinds Chapter 4 of the Iowa Administrative Code (IAC), moving the Chapter from the purview of the Department of Management (DOM) to the Department of Administrative Services (DAS) resulting from the enactment of SF 510 (FY 2016 Standing Appropriations Act).

**Agency Stated Authority:** Iowa Code section 8.6.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Medicine Board**

**ARC 2387C**

**Rule Summary** Implements 2015 Iowa Acts, chapter 68 (SF 462 Maintenance and Administration of Epinephrine in Schools and Certain Other Facilities Act), to allow physicians to write prescriptions for authorized facilities to stock an epinephrine auto-injector supply.

**Agency Stated Authority:** Iowa Code section 147.76.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Public Health**

**ARC 2390C**

**Rule Summary** Allows for the inclusion of a Refugee Health Screening module in the Immunization Registry Information System (IRIS) and addresses the release of IRIS information to the DPH and among health care providers.

**Agency Stated Authority:** Iowa Code section 139A.8.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### **ARC 2391C**

**Rule Summary** Clarifies that all authorized EMS services are required to have a driving policy and documented training for all responding members.

**Agency Stated Authority:** Iowa Code section 147A.4.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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