

## F I N A L R E P O R T

### PUBLIC HEALTH AND HUMAN SERVICES RULES INTERIM STUDY COMMITTEE

December, 1986

The Department of Human Services and Department of Public Health Administrative Rules Interim Study Committee was established by the Legislative Council to review all administrative rules of the Department of Human Services and the Department of Public Health, other than rules relating to substance abuse programs. The Committee formed was directed to identify burdensome and unnecessary rules and to make recommendations, which would not have a negative impact on departmental clients, concerning the retention, modification or rescission of the departments' administrative rules. The following members were appointed:

Senator William Dieleman, Pella, Co-chairperson  
Representative Florence Buhr, Des Moines, Co-chairperson  
Senator Richard Vande Hoef, Harris  
Representative Harold Van Maanen, Oskaloosa  
Mr. John Fairweather, Department of Human Services, Des Moines  
Dr. Gary Peasley, Board of Health, Marshalltown  
Ms. Sue Osmann, Board of Health, Des Moines  
Ms. Merlie Howell, Executive Director, Coalition for  
Family and Children's Services, Des Moines  
Ms. Barbara Burnett, Administrative Rules Coordinator, Des Moines  
Ms. Mary Ann Walker, Rules Coordinator, Department of  
Human Services, Des Moines  
Ms. Dana Petrowsky, Administrator of Health Facilities  
Division, Department of Inspections and Appeals, Des Moines  
Mr. Paul Vanderburgh, Department of Inspections  
and Appeals, Des Moines  
Mr. Eugene A. Leblond, Administrator, Shelby County Myrthe  
Memorial Hospital, Harlan

#### MEETING DAYS

The Interim Study Committee was not authorized a specific number of meeting days, but held meetings on December 29, 1986 and December 30, 1986.

#### METHODOLOGY OF STUDY

The Committee identified the following as concerns to be used in formulating goals and making recommendations in the review of

administrative rules of the Departments of Human Services and Public Health:

1. There are instances of duplication in the rules which make interpretation of services less cost effective and more burdensome.

2. The Committee was established in response to numerous complaints concerning health care.

3. In the formulation of rules, the intent of the statute to which the rule applies is, at times, misinterpreted.

Following the development of the Committee's concerns, the Committee developed the following goals:

1. Specific problems with existing rules should be presented and recommendations should be made to rectify the problems.

2. Costs of implementation and the negative impact on departmental clients should be considered in the formulation of rules.

3. Duplication of rules and duplicative reporting practices required by rules should be reduced and terminated when possible.

#### PRESENTATIONS

The following individuals made presentations to the Study Committee concerning the administrative rules of the Department of Human Services and Public Health:

1. Mr. Richard Turpen, Iowa Association of Rehabilitation and Residential Facilities.

2. Mr. Ken Doudna, Valley View Village.

3. Ms. Jeanine Freemann, Iowa Hospital Association.

4. Ms. Judy Dierenfeld, Executive Director, Community Mental Health Centers Association of Iowa, Inc.

5. Mr. Robert Hoogeveen, Village Northwest Unlimited.

6. Mr. Pat Piziali, Iowa Protection and Advocacy Services, Inc.

7. Mr. Vic Elias, Iowa State Association of Counties.

8. Mr. Bill Thayer, Iowa Association of Homes for the Aging.

9. Mr. Ken Zimmerman, Mental Health Center of Northern Iowa.

### RECOMMENDATIONS

After careful review of the information presented, the Study Committee made the following recommendations:

1. The feasibility of transferring state hospital school residents to other levels of care in community-based facilities should be studied.
2. A bill draft should be requested to amend Section 17A.4, Procedure for Adoption of Rules, to allow 30 days in place of 20 days for public comment on proposed rules.
3. The notification of the private sector of new rules should be studied.
4. The duplicative recordkeeping, reporting, and auditing practices required by the rules should be reviewed.
5. The Legislative Service Bureau, the Legislative Fiscal Bureau, and the Administrative Rules Committee Coordinator should collect and present findings to the Committee after the completion of various studies and Committee proceedings.
6. Amendment of Section 17A.7 of the Code should be proposed to the Rules Review Committee for the Committee's consideration.
7. A continuation of the Study Committee should be proposed to the Legislative Council.

### MATERIALS DISTRIBUTED TO THE DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PUBLIC HEALTH INTERIM STUDY COMMITTEE ON ADMINISTRATIVE RULES

1. A listing of the proposed rules for the Interim Study Committee.
2. An organizational draft of the State of Iowa Long Term Care Regulatory System.
3. A summary of Mr. Richard Turpen's, Iowa Association of Rehabilitation and Residential Facilities, testimony.
4. A summary of Ms. Jeanine Freemann's, Iowa Hospital Association, testimony.
5. A summary of Mr. Robert Hoogeveen's, Village Northwest Unlimited, testimony.
6. A summary of Ms. Judy Dierenfeld's, Community Mental Health Centers Association of Iowa, Inc., testimony and a list of proposed rule changes.

7. A summary of Ms. Pat Pizialli's, Iowa Protection and Advocacy Services, Inc., testimony and materials regarding the services provided.

8. A letter received by Senator Richard Vande Hoef from Mr. J. Gary Mattson, Exceptional Persons, Inc., for discussion purposes.

9. A copy of Chapter 17A of the Code for discussion purposes.

Human Ser, Final Rpt  
pf/mc/29

HOUSE/SENATE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH AND DEPARTMENT  
OF HUMAN SERVICES  
ADMINISTRATIVE RULES STUDY  
COMMITTEE BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the extension of the period allowed for public  
2 response to proposed rules.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 17A.4, subsection 1, paragraph b, Code  
2 1987, is amended to read as follows:

3 b. Afford all interested persons not less than twenty  
4 thirty days to submit data, views, or arguments in writing. If  
5 timely requested in writing by twenty-five interested persons,  
6 by a governmental subdivision, by the administrative rules  
7 review committee, by an agency, or by an association having  
8 not less than twenty-five members, the agency must give  
9 interested persons an opportunity to make oral presentation.  
10 The opportunity for oral presentation must be held at least  
11 twenty thirty days after publication of the notice of its time  
12 and place in the Iowa administrative bulletin. The agency  
13 shall consider fully all written and oral submissions  
14 respecting the proposed rule. Within one hundred eighty days  
15 following either the notice published according to the  
16 ~~provisions of~~ subsection 1, paragraph "a" or within one  
17 hundred eighty days after the last date of the oral  
18 presentations on the proposed rule, whichever is later, the  
19 agency shall adopt a rule pursuant to the rule-making  
20 proceeding or shall terminate the proceeding by publishing  
21 notice of termination in the Iowa administrative bulletin. If  
22 requested to do so by an interested person, either prior to  
23 adoption or within thirty days ~~thereafter~~ after adoption, the  
24 agency shall issue a concise statement of the principal  
25 reasons for and against the rule it adopted, incorporating  
26 therein in the statement the reasons for overruling  
27 considerations urged against the rule.

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EXPLANATION

29 This bill extends, from twenty to thirty days, the period  
30 allowed for interested persons to submit to an agency, in  
31 writing, data, views, or arguments concerning proposed agency  
32 rules. The bill also extends the time period between notice  
33 of an opportunity for an oral presentation held in response to  
34 proposed agency rules and the actual presentation.

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