

OCTOBER 2013 AGENDA

The following rules will be reviewed at the regular, statutory meeting of the Administrative Rules Review Committee to be held on Monday, October 7 and Tuesday, October 8, 2013, in Room 116, State Capitol, Des Moines, Iowa. The meeting will start at 9:30 on both days.

BULLETINS NEEDED FOR THIS MEETING: 7/10/13, 8/7/13, 9/4/13, 9/18/13. 10/2/13

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Monday, October 7th, 2013

- 9:30 Overview--internet web access to rules**-Glen Dickinson, LSA Director
“Emergency” rule documents--tracking rules--comparing notice and adopted documents
- 9:50 LSA Fiscal Overview** Adam Broich, 281-8223
- 10:10 ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]**
Robert Lampe 281-7360
Professional Licensing and Regulation Bureau[193]
COMMERCE DEPARTMENT[181]“umbrella”
Unethical or illegal conduct, 8.2(6)“a”(7) Filed [ARC 1084C](#)..... 10/2/13 826
- 10:20 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]** Megan Tooker 1-3489
Prohibition on campaign contributions from corporations, 4.44(1) Notice [ARC 1020C](#)..... 9/18/13 694
Supporting documentation for complaint, 9.1(1) Notice [ARC 1019C](#)..... 9/18/13 695
- 10:30 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]** Margaret Thomson 1-5322
Agricultural lime sampling procedures and fee, 43.20(2), 43.32, 43.34, 43.35(1) Notice [ARC 1006C](#)..... 9/4/13 553
Chronic wasting disease (CWD), 64.104, 64.106 to 64.111, 64.113, 64.114 Filed [ARC 1024C](#) 9/18/13 739
- 10:40 PROFESSIONAL LICENSURE DIVISION[645]**
PUBLIC HEALTH DEPARTMENT[641]“umbrella” Pierce Wilson 242-6529 Judith Manning 281-4413
Psychologists—licensure, continuing education, 240.2(1), 240.3(4), 240.4(1), 240.10, 241.3(2)
Filed [ARC 1029C](#) 9/18/13 757
- 10:50 DENTAL BOARD[650]**
PUBLIC HEALTH DEPARTMENT[641]“umbrella” Melanie Johnson 1-0997
Temporary permit for volunteer services, 13.3(3), 15.3(17) Filed [ARC 0984C](#) 9/4/13 620
Expanded function training approval, 20.15 Filed [ARC 0985C](#) 9/4/13 621
Sedation and nitrous oxide inhalation analgesia, 29.1 to 29.5, 29.9(1), 29.10 to 29.14 Notice [ARC 1008C](#)..... 9/4/13 554
- 11:00 ECONOMIC DEVELOPMENT AUTHORITY[261]** Tim Whipple 5-3124
Employee stock ownership plan (ESOP) formation assistance, ch 56 Notice [ARC 1021C](#)..... 9/18/13 664
- 11:10 EDUCATIONAL EXAMINERS BOARD[282]** Kim Cunningham 1-5849
EDUCATION DEPARTMENT[281]“umbrella”
Master educator license—degree from regionally accredited college or university, 13.8 Notice [ARC 0987C](#)..... 9/4/13 559
Teaching endorsements for health, music and physical education, 13.28(8), 13.28(13), 13.28(14) Filed [ARC 0986C](#)..... 9/4/13 622

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	EDUCATIONAL EXAMINERS BOARD continued		
	Engineering and STEM endorsements, 13.28(31), 13.28(32), 17.1(3) <u>Notice</u> ARC 0993C	9/4/13	560
	Superintendent/AEA administrator—demonstration of required experience, 18.10 <u>Notice</u> ARC 0988C	9/4/13	564
	Prohibited relationships between licensees and former students, 25.3(1) <u>Notice of Termination</u> ARC 1010C	9/18/13	667
	Prohibited conduct between licensees and former students, 25.3(1) <u>Notice</u> ARC 0992C	9/4/13	565
11:30	ENVIRONMENTAL PROTECTION COMMISSION[567]		
	NATURAL RESOURCES DEPARTMENT[561]“umbrella” General contact: Marla Gallardo 1-8678		
	Air quality—nonattainment areas, amendments to chs 20, 22, 31, 33 <u>Notice</u> ARC 1016C	9/18/13	667
	Air quality, 22.1(2), 22.8, 22.103(2), 28.1 <u>Filed</u> ARC 1013C	9/18/13	742
	Hazardous air pollutants—adoption by reference of federal RICE NESHAP standards, 23.1(4) <u>Filed</u> ARC 1014C	9/18/13	753
11:50	NATURAL RESOURCE COMMISSION[571]		
	NATURAL RESOURCES DEPARTMENT[561]“umbrella” General Contact: Marla Gallardo 281-8678		
	Snowmobile and all-terrain vehicle registration revenue cost-share programs, amend 28.1 to 28.18; adopt 47.30 to 47.47 <u>Notice</u> ARC 1022C	9/18/13	716
	Waterfowl and coot hunting seasons, 91.1, 91.2(1), 91.3, 91.6 <u>Filed</u> <u>Emergency After Notice</u> ARC 1003C	9/4/13	618
12:00	LUNCH		
1:10	REVENUE DEPARTMENT[701] Victoria Daniels 281-5322		
	Inheritance tax, 40.59, amendments to ch 86 <u>Notice</u> ARC 1002C	9/4/13	583
	Historic preservation and cultural and entertainment district, agricultural assets transfer, custom farming contract, from farm to food donation, targeted jobs and endow Iowa tax credits, amendments to chs 41, 42, 46, 52, 58 <u>Notice</u> ARC 0998C	9/4/13	607
	Commercial and industrial property tax replacement—county replacement claims, 80.49 <u>Notice</u> ARC 1028C	9/18/13	729
	Agricultural real estate—algae cultivation and production, 71.1(3) <u>Notice</u> ARC 1042C	10/2/13	812
1:30	INSPECTIONS AND APPEALS DEPARTMENT[481] Dave Werning 1-7376		
	Food and consumer safety, ch 30 <u>Notice</u> ARC 1026C	9/18/13	696
	Food establishment and food processing plant inspections, ch 31 <u>Notice</u> ARC 1025C	9/18/13	704
	Egg handlers, rescind ch 36 <u>Filed</u> ARC 0989C	9/4/13	643
	Nursing facilities and residential and intermediate care facilities—resident advocate committee, certified volunteer long-term care ombudsman, amendments to chs 54, 57, 58, 62 to 65 <u>Notice</u> ARC 1082C	10/2/13	777
	Health care facilities—informal conference process for contested citations, 56.14(3), 56.15 <u>Filed</u> ARC 1047C	10/2/13	853
	Administration of certain immunizations, 57.19(3)“h,” 58.21(15)“a,” 62.15(2)“j,” 63.18(3)“i,” 65.17(1)“i,” 67.5(6)“a” <u>Filed</u> ARC 1050C	10/2/13	855
	Nursing facilities and residential and intermediate care facilities—dependent adult abuse, amendments to chs 57, 58, 62 to 65 <u>Notice</u> ARC 1083C	10/2/13	781
	Nursing facilities—evaluation of residents by physician assistants, 58.14(8) <u>Filed</u> ARC 1048C	10/2/13	856

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INSPECTIONS AND APPEALS DEPARTMENT continued

Assisted living programs—informal conference process; elder group homes and adult day services, 67.1, 67.10 to 67.18, 67.20 to 67.23 Filed [ARC 1055C](#)..... 10/2/13 858

2:00 MEDICINE BOARD[653] Mark Bowden 242-3268

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Supervision of pharmacists who administer adult immunizations, rescind 13.3 Filed [ARC 1033C](#) 10/2/13 889

Standards of practice—physicians who prescribe or administer abortion-inducing drugs, 13.10 Filed [ARC 1034C](#) 10/2/13 890

Tuesday, October 8th, 2013

9:30 TRANSPORTATION DEPARTMENT[761] General Contact: Tracy George 515-239- 1358

Automated traffic enforcement on the primary road system, ch 144 Notice [ARC 1037C](#)..... 10/2/13 813

Tourist-oriented directional signing, 119.2(2), 119.3, 119.4, 119.5(3) Notice [ARC 1018C](#)..... 9/18/13 730

Private directional signing, 120.1, 120.2, 120.5(3), 120.6(4), 120.7(3), 120.8(3), 120.9 Notice [ARC 1017C](#)..... 9/18/13 733

Electronic renewal of driver’s licenses and nonoperator’s ID cards—vision screen or report, eligibility, 601.2, 604.10, 605.25, 630.2 Filed [ARC 1073C](#) 10/2/13 914

10:10 INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella” Dennis Britson 1-8814 Craig Goettsch

Burial sites and cemeteries, rescind ch 18; adopt ch 140 Notice [ARC 1004C](#)..... 9/4/13 575

Securities regulation, amendments to ch 50 Filed [ARC 1076C](#) 10/2/13 864

10:25 IOWA FINANCE AUTHORITY[265] Mark Thompson 725-4937

HOME investment partnerships program, 39.1, 39.2, 39.4(1), 39.6(9), 39.7(3), 39.8(7), 39.9(8) Notice [ARC 0997C](#) 9/4/13 579

Held over from August and September 7/10/13 40

Military service member home ownership assistance program—home purchase financing, 27.3(2) Filed [ARC 0827C](#)

10:35 LABOR SERVICES DIVISION[875] Kathleen Uehling 1-5915

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Conveyance safety program—fees, 71.16 Notice [ARC 1009C](#) 9/4/13 581

Boiler inspection schedule, 90.6(2) Notice [ARC 1015C](#)..... 9/18/13 715

Boilers—control and safety device code adopted by reference, 91.1(6) Filed [ARC 1011C](#)..... 9/18/13 755

Federal occupational safety and health standards for digger derricks—adoption by reference, 26.1 Filed [ARC 1049C](#) 10/2/13 888

10:45 PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]“umbrella” Teri Witowski 1-6676

Licensure by license transfer, 2.9 Filed [ARC 1031C](#) 9/18/13 756

Vaccine administration by pharmacists, 8.33 Filed [Emergency After Notice ARC 1030C](#)..... 9/18/13 736

Pilot and demonstration research projects—extension or renewal of time, 8.40(3) Filed [ARC 1032C](#) 9/18/13 756

Procedures required during the absence of the pharmacist, 6.7(2), 7.6(2) Notice [ARC 1040C](#)..... 10/2/13 784

Drug product selection, 6.9(8)“b,” 6.11 Notice [ARC 1041C](#)..... 10/2/13 785

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	Use of automated medication distribution system (AMDS) by EMS programs, 11.20(1) Notice ARC 1039C	10/2/13	787
	Strip pack dispensing of drugs, 22.1(1), 22.5 Notice ARC 1038C	10/2/13	788
11:00	PUBLIC HEALTH DEPARTMENT[641] Barb Nervig 281-4344		
	Human immunodeficiency virus(HIV)infection and acquired immune deficiency syndrome (AIDS), ch 11 Notice ARC 1044C	10/2/13	789
	Plumbing and mechanical systems board—licensure fees, 28.1 <u>Notice of Termination</u> ARC 1077C	10/2/13	809
	Mandatory reporter training curricula; abuse education review panel, amendments to ch 93 Notice ARC 1036C	10/2/13	809
	Vital records—time-limited fee increases, 95.6 Filed ARC 1074C	10/2/13	891
	Establishing parentage on birth certificates; vital records modifications, amendments to chs 96, 99 Filed ARC 1075C	10/2/13	893
	Trauma care facilities, 134.1, 134.2(3) Filed ARC 1079C	10/2/13	897
	Out-of-hospital trauma triage destination decision protocols, 135.1, 135.2(1) Filed ARC 1080C	10/2/13	898
	Initial and continuing trauma education, 137.1 to 137.3 Filed ARC 1081C	10/2/13	899
	Trauma system evaluation quality improvement committee, rescind ch 138 Notice ARC 1043C	10/2/13	810
	Held over from September		
	White flashing light authorization, 133.1, 133.3 Filed ARC 0901C	8/7/13	382
11:25	REGENTS BOARD[681] Marcia Brunson 281-3934 mbruns@iastate.edu		
	Iowa State University—facilities and grounds, contracting authority, update of titles and contact information, amendments to ch 13 Filed ARC 1078C	10/2/13	902
11:40	LUNCH		
12:50	COMMITTEE BUSINESS -Approve minutes, November 12th meeting?? Miscellaneous.		
1:00	HUMAN SERVICES DEPARTMENT[441] Nancy Freudenberg 1-8438		
	Appeals based on the competitive procurement bid process, 7.1, 7.41 to 7.51 Notice ARC 1000C	9/4/13	566
	PROMISE JOBS program—limited benefit plan, 41.24(8), 93.13 Notice ARC 0999C	9/4/13	570
	Electronic access card use at prohibited locations, 41.25(11), 46.21, 46.24(3), 60.10(4), 60.16 Notice ARC 1001C	9/4/13	571
	Residential care facilities—financial and statistical reports, 54.1 to 54.3, 54.8(1) Filed ARC 0991C	9/4/13	623
	Medicaid eligibility for family planning services, 75.1(41)“a” Filed ARC 0990C	9/4/13	628
	Consumer-directed attendant care—transition from individual providers to agency providers or consumer choice option, 77.30(7), 77.33(15), 77.34(8), 77.37(21), 77.39(24), 77.41(2) <u>Notice of Termination</u> ARC 1027C	9/18/13	695
	Nursing facilities—reimbursement, cost reports, recoupment of debts owed Medicaid, 78.19(1)“a,” 79.1(2), 81.1, 81.6 Filed ARC 0994C	9/4/13	629
	Intermediate care facilities for persons with an intellectual disability —financial and statistical reports, 82.5 Filed ARC 0995C	9/4/13	637

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Child care centers and child development homes (CDHs)—provider immunization and health requirements; CDH provider files, 109.9(1), 110.5 <u>Filed ARC 0996C</u>	9/4/13	641
Confidentiality of support payment records, 9.11, 97.3(3) <u>Notice ARC 1045C</u>	10/2/13	773
Medicaid enrollment and reenrollment, ch 76 <u>Filed Emergency After Notice ARC 1069C</u>	10/2/13	819
Habilitation services—administration, case management, method of reimbursement, 77.25, 78.27, 78.33, 79.1, 88.65(3)“a” <u>Filed ARC 1051C</u>	10/2/13	826
HCBS transportation services rate, 77.33(11)“f,” 77.37(24)“g,” 77.39(18)“f,” 77.41(6)“e,” 78.37(11), 78.41(11), 78.43(7), 78.46(5), 79.1(2) <u>Filed Emergency After Notice ARC 1071C</u>	10/2/13	820
Reimbursement eliminated for elective, non-medically necessary cesarean sections, 78.1(1)“h” <u>Filed ARC 1052C</u>	10/2/13	833
Prior authorization required for skilled nursing care in hospital swing bed, 78.3(16) <u>Filed ARC 1054C</u>	10/2/13	834
Medicaid—provider reimbursement rate increases, amendments to chs 78, 79, 83 <u>Filed ARC 1056C</u>	10/2/13	837
Reimbursement method for case management services, 79.1(1)“d,” 79.1(2) <u>Filed ARC 1057C</u>	10/2/13	838
Payment methodology for home health services and private duty nursing and personal cares, 79.1(2), 79.1(26), 79.1(27) <u>Filed ARC 1058C</u>	10/2/13	843
Health care data match program, 80.7 <u>Filed Emergency After Notice ARC 1070C</u>	10/2/13	822
IowaCare—suspension of enrollment beginning July 1, 2013, 92.5(6), 92.6(5), 92.14(1) <u>Filed ARC 1059C</u>	10/2/13	847
Payment methodology for federally qualified health centers; elimination of funding pool for laboratory and radiology services, 92.8, 92.9(3) <u>Filed Emergency After Notice ARC 1072C</u>	10/2/13	824
Record check evaluations for certain employees and educational training programs, 119.1 to 119.5 <u>Notice ARC 1046C</u>	10/2/13	774
Elimination of purchase of service to set supervised apartment living rates; increase in child welfare emergency services juvenile shelter care reimbursement rates, 150.3(5)“p” <u>Filed ARC 1060C</u>	10/2/13	848
Increase in foster family daily reimbursement and adoption subsidy daily maintenance rates, 156.6 <u>Filed ARC 1061C</u>	10/2/13	849
Increase in maintenance rate and initial allowance for supervised apartment living, 156.8(2), 156.12(1) <u>Filed ARC 1062C</u>	10/2/13	850
Child care assistance—provider rate ceiling increase, 170.4(7)“a” <u>Filed ARC 1063C</u>	10/2/13	851
Preparation for adult living program—increase in youth stipend and provider rates, 187.12(2) <u>Filed ARC 1064C</u>	10/2/13	852

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NO REPRESENTATIVE REQUESTED TO APPEAR

XX:00	AUDITOR OF STATE[81] Warren Jenkins 281-5835 Periodic examination fee, 21.2 <u>Filed ARC 1023C</u>	9/18/13	742
XX:00	PROFESSIONAL LICENSURE DIVISION[645] PUBLIC HEALTH DEPARTMENT[641]"umbrella" Pierce Wilson 242-6529 Judith Manning 281-4413 Chiropractors—continuing education hours by presentation type, 44.3(2)"a"(1) <u>Notice ARC 1012C</u>	9/18/13	728
	Hearing aid dispensers, amendments to chs 121 to 124 <u>Filed ARC 1005C</u>	9/4/13	643
XX:00	SOIL CONSERVATION DIVISION[27] Margaret Thomson 1-5322 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]"umbrella" Watershed improvement—grants, review board, amendments to chs 101 to 106 <u>Filed ARC 1053C</u>	10/2/13	912
XX:00	REAL ESTATE APPRAISER EXAMINING BOARD[193F] Professional Licensing and Regulation Bureau[193] COMMERCE DEPARTMENT[181]"umbrella" 281-4126 Nonresident certification by reciprocity, 10.1 <u>Notice ARC 1035C</u>	10/2/13	811

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ARRC ACTIONS

Notice of Intended Action	<ol style="list-style-type: none">1. General Referral, 6 votes. §17A.8(7)2. Regulatory Analysis, 6 votes. §17A.4A3. Objection, 6 votes. §17A.4(6)4. 70 day suspension of further action, 7 votes. HF 586, §3
Adopted	<ol style="list-style-type: none">1. General Referral, 6 votes. §17A.8(7)2. Informal Regulatory Analysis, 6 votes. No statutory authority, customary.3. Objection, 6 votes. §17A.4(6)4. 70 Day Delay, 7 votes. §17A.4 (7)5. Session Delay, 7 votes. §17A.8(9)
Adopted and Filed Without Notice	<ol style="list-style-type: none">1. Mandatory prior approval by ARRC, 6 votes. HF 586, §12. General Referral, 6 votes. §17A.8(7)3. Regulatory Analysis, 6 votes. §17A.4A4. Objection, 6 votes. §17A.4(6)5. 180 Day Sunset Objection, 7 votes. §17A.4(3)6. Suspension of applicability until 180 sunset, 7 votes. HF 586, §1
Adopted and Filed Emergency	<ol style="list-style-type: none">1. Mandatory prior approval by ARRC, 6 votes. HF 586, §12. General Referral, 6 votes. §17A.8(7)3. Regulatory Analysis, 6 votes. §17A.4A4. Objection, 6 votes. §17A.4(6)5. 180 Day Sunset Objection, 7 votes. §17A.4(3)6. Suspension of applicability until 180 sunset, 7 votes. HF 586, §17. 70 Day suspension of applicability, 7 votes. HF 586, § 28. Session suspension of applicability, 7 votes. HF 586, § 4
Adopted and Filed Emergency After Notice	<ol style="list-style-type: none">1. General Referral, 6 votes. §17A.8(7)2. Regulatory Analysis, 6 votes. §17A.4A3. Objection, 6 votes. §17A.4(6)4. 70 Day suspension of applicability, 7 votes. HF 586, § 25. Session suspension of applicability, 7 votes. HF 586, § 4
Notice of Termination	No Action.
Rules in effect (by special review)	<ol style="list-style-type: none">1. General Referral, 6 votes. §17A.8(7)2. Informal Regulatory Analysis, 6 votes. No statutory authority, customary.3. Objection, 6 votes. §17A.4(6)
Any rules-related matter	ARRC-approved Legislation, 6 votes, 3 from each chamber. Joint Rule 19.