

DECEMBER 2004 AGENDA

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, December 14, 2004, and Wednesday December 15, 2004, at 9 a.m. in Room 22, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

BULLETINS NEEDED FOR THIS MEETING: No. 10, 11 ([11/10/04](#), [11/24/04](#))

Also refer to: [5/12/04](#), [6/23/04](#), [7/21/04](#), [8/18/04](#), [9/1/04](#), [9/15/04](#), [9/29/04](#)

		Bulletin	Page
9:00	LSA FISCAL SUMMARY-		
9:15	HUMAN SERVICES DEPARTMENT[441] Nancy Freudenberg (281-8438)		
	Intermediate care facilities for the mentally retarded (ICFs/MR)—assessment fee, 36.1, 36.2(4), 36.3(1), 82.5(13), 82.7(4), Filed ARC 3767B	11/10/04	672
	Excess medical expense deduction, 65.8(7), Filed ARC 3768B	11/10/04	672
	Medicaid premium increase for employed persons with disabilities coverage group, 75.1(39)“b”(1), Filed ARC 3766B	11/10/04	673
	HAWK-I program—selection of plan, 86.6, 86.6(2), Filed Emergency After Notice ARC 3773B	11/10/04	664
	Offset against federal income tax refunds and federal nontax payments to recover delinquent child support, 95.7(1), 95.7(2), Filed ARC 3765B	11/10/04	674
	Special review Shelter Care		
9:40	SECRETARY OF STATE[721] Sandy Steinbach (281-5823)		
	Absentee ballots cast by voters whose registrations are inactive, 21.301, Filed Emergency ARC 3763B	11/10/04	665
	Counting votes, 26.14, 26.17, 26.19, 26.20, 26.20(3), 26.21 Filed Emergency ARC 3762B	11/10/04	665
	Help America Vote Act grants, adopt ch 27, Filed ARC 3780B	11/10/04	679
9:50	DENTAL EXAMINERS BOARD[650] Jennifer Hart (281-0997)		
	PUBLIC HEALTH DEPARTMENT[641]“umbrella”		
	Dental hygienist licensure—second failure of clinical examination, 12.4(2), Notice ARC 3778B	11/10/04	651
	Discipline—mandatory reporting of acts or omissions, 30.4“24,” 31.14, Notice ARC 3779B , also Filed Emergency ARC 3777B	11/10/04	662
10:00	ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261] Melanie Johnson (242-4862)		
	Emergency shelter grants program, 24.2, 24.6, 24.10(6), 24.12(3)“a,” Filed Emergency After Notice ARC 3810B	11/10/04	662
	Homeless shelter operation grants program, 29.2, 29.6(5), 29.10“5,” 29.11(3)“a,” Filed Emergency After Notice ARC 3809B	11/10/04	663
10:10 to 10:20 break			
10:20	CREDIT UNION DIVISION[189] James Forney (281-6514)		
	COMMERCE DEPARTMENT[181]“umbrella”		
	Investment and deposit activities, ch 17, Filed ARC 3821B	11/24/04	766
10:30	ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351] Charlie Smithson (281-3489)		
	Board sales of goods and services, 1.7, Filed ARC 3786B	11/10/04	670
	Cross references updated, 4.11(2), 4.27(5), Filed ARC 3788B	11/10/04	670
	State party committees—disclosure of candidate ID numbers, 4.14(6), 4.15(5), Notice ARC 3791B	11/10/04	653
	Contributions by out-of-state committees, 4.32, Notice ARC 3790B	11/10/04	654
	Loans from executive branch lobbyists prohibited, 6.20, Notice ARC 3789B	11/10/04	654
	Executive branch lobbyist registration, 8.7(2), 8.7(3), Filed ARC 3785B	11/10/04	671
	Retention and availability of filed forms, 8.20, Filed ARC 3787B	11/10/04	671
	Whistle-blower protection, 9.6, Notice ARC 3793B	11/10/04	655
	Waiver of civil penalty for late-filed report, 15.2, Notice ARC 3792B	11/10/04	655
11:00	INSURANCE DIVISION[191] Susan E. Voss (281-6836)		
	COMMERCE DEPARTMENT[181]“umbrella”		
	Use of credit information in personal insurance, 20.12, Filed ARC 3827B	11/24/04	766
	Life and health self-funded plans, 35.20, Notice ARC 3802B	11/10/04	656
11:15	MANAGEMENT DEPARTMENT[541] Steven Ford (281-3705)		
	Public records, 1.5, 1.7, 1.8, 8.1, 8.2, 8.3(1) to 8.3(5), 8.3(7), 8.12(1), 8.13(3), 8.14, Notice ARC 3811B	11/24/04	703
11:30	ARRC BUSINESS-Approve Minutes; January 2004 Meeting; Miscellaneous		

11:40A.M.---1:00P.M. LUNCH

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1:00	ELDER AFFAIRS DEPARTMENT[321] Mary Ann Young (242-3312)		
	Civil penalties; notice to certificate holders—compliance with statutory language, 26.3(2), 26.4(1), <u>Filed Emergency ARC 3808B</u>	11/10/04	664
1:10	PHARMACY EXAMINERS BOARD[657] Lloyd Jessen (281-5944)		
	PUBLIC HEALTH DEPARTMENT[641]“umbrella” Pharmacy technicians—registration of licensed health care providers who assist in technical functions of pharmacy practice, 3.3(1) to 3.3(4), 3.4, 3.29, <u>Filed ARC 3800B</u>	11/10/04	674
	Pharmacist—intern training, 4.3, 4.6(3)“c,” 4.6(4), 4.6(5), 4.9(1), <u>Notice ARC 3798B</u>	11/10/04	658
	Substitution of brand name drug for generic drug—label information, 6.10(1)“g,” <u>Filed ARC 3801B</u>	11/10/04	675
	Transmission of prescription drug order by authorized prescriber’s agent; Internet—based prescription drug orders, 8.19(2), 8.19(4), <u>Filed ARC 3794B</u>	11/10/04	675
	Administration of influenza and pneumococcal vaccines, 8.33(1)“c,” <u>Filed ARC 3795B</u>	11/10/04	676
	Controlled substances—reverse distributors added to list of entities required to register, 10.1, <u>Filed ARC 3796B</u>	11/10/04	676
	Contracts for nonproduct pharmacy services provided by EMS programs, 11.2(1)“a,” <u>Notice ARC 3799B</u>	11/10/04	660
	Computer—to—computer transmission of a prescription, 21.8, 21.8(3), <u>Filed ARC 3797B</u>	11/10/04	676
1:30	ENVIRONMENTAL PROTECTION COMMISSION[567] Marla Gallardo (281-8678)		
	NATURAL RESOURCES DEPARTMENT[561]“umbrella” Controlling air pollution, 22.1(2)“b,” “j” and “u,” 22.3(3), 23.1(2) to 23.1(4), 23.1(4)“ay,” “ce,” “cf,” “ci,” “ck,” “cm,” “co,” “cq,” “cy,” “da,” “de,” “df,” and “dh” to “dk,” 23.3(2)“b”(5), 25.1(5), 25.1(6), 25.1(10), 25.1(11), <u>Filed ARC 3806B</u>	11/10/04	667
	Water quality standards, 61.3(1)“b”(4) to (11), 61.3(3)“b,” 61.3(3)“b”(6)“1” to “5,” 61.3(3) tables 1, 2, and 3a, 61.3(5), 61.3(6), <u>Filed ARC 3805B</u>	11/10/04	668
	Manure management plan records—date and rate of application of commercial nitrogen and phosphorus, 65.17(13)“e,” <u>Notice ARC 3807B</u>	11/10/04	653
1:50	PROFESSIONAL LICENSURE DIVISION[645] Lois Churchill (242-6385)		
	PUBLIC HEALTH DEPARTMENT[641]“umbrella” Chiropractors, 42.1, 42.2, <u>Filed ARC 3764B</u>	11/10/04	677
	Cosmetology, 60.1, 60.2(1)“a,” 60.2(3)“a,” 60.4 to 60.7, 60.7“3,” 60.8 to 60.11, 60.11(2)“d,” 60.12 to 60.16, 61.13(1), 62.1(21), 62.1(22), 65.5, <u>Notice ARC 3815B</u>	11/24/04	705
	Nursing home administrators, 141.6, 141.6(2)“e” and “f,” 141.9, 141.12 to 141.14, 145.1(5) to 145.1(10), <u>Filed ARC 3781B</u>	11/10/04	678
	Physician assistants, 326.8(4), <u>Notice ARC 3774B</u>	11/10/04	660
	Athletic trainers, 351.1, 351.2(5), 351.2(8) to 351.2(11), 351.3(1), 351.3(2)“d,” 351.4(1), 351.4(2), 351.5, 351.6, 351.6(1)“a” and “g,” 351.6(2), 351.7“6,” 351.10(6), 351.13(6), 352.1, 352.2(2), 352.3(2)“a,” 352.5(1)“f,” 352.6“6,” 352.10(5)“a,” 354.1(2) to 354.1(10), <u>Notice ARC 3814B</u>	11/24/04	708
2:10	PUBLIC HEALTH DEPARTMENT[641] Barb Nervig (281-4344)		
	Quarantine and isolation—model rule for local boards of health, 1.12, <u>Notice ARC 3839B</u>	11/24/04	711
	EMS provider education/training/certification, ch 131, <u>Notice ARC 3838B</u>	11/24/04	713
	EMS—service program authorization, 132.1, 132.2, 132.2(2), 132.2(4), 132.2(6), 132.7(1), 132.7(3)“b,” 132.8(1), 132.8(2), 132.8(3)“a,” “h” and “l,” 132.8(4)“g” and “h,” 132.8(6)“a,” 132.8(7), 132.8(9), 132.9(2)“d,” 132.9(6)“b”(1), 132.10(2), 132.10(3), 132.10(17), 132.14(2)“a” and “f,” 132.16, <u>Notice ARC 3837B</u>	11/24/04	725
	White flashing light authorization for EMS providers, 133.1, 133.4(3), <u>Notice ARC 3836B</u>	11/24/04	729
	Trauma care facility authorization and verification, 134.1, 134.2(1)“b,” 134.2(2), 134.2(3), 134.2(7), <u>Notice ARC 3835B</u>	11/24/04	729
	Trauma triage and transfer protocols, 135.1, 135.2(1), <u>Notice ARC 3834B</u>	11/24/04	731
	Trauma registry, 136.1, 136.2(1) to 136.2(3), 136.2(5)“b”(3), 136.2(7)“c,” <u>Notice ARC 3833B</u>	11/24/04	732
	Trauma education and training, 137.1, 137.2(1)“c,” 137.2(2), 137.3, 137.3(3), <u>Notice ARC 3832B</u>	11/24/04	733
	Definition of “emergency medical care provider,” 138.1, <u>Notice ARC 3831B</u>	11/24/04	734
	Iowa law enforcement emergency care provider, 139.1, 139.3, 139.5, 139.6(2), <u>Notice ARC 3830B</u>	11/24/04	734
	EMS system development grants fund, 140.1, 140.4, 140.4(1) to 140.4(3), 140.5, 140.6, <u>Notice ARC 3829B</u>	11/24/04	735
	Love our kids grant—definition of “service program,” 141.1, <u>Notice ARC 3840B</u>	11/24/04	736

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2:45	REVENUE DEPARTMENT[701] Dave Casey (281-6163)	
	Cigarettes—tax, penalties, record keeping; motor fuel refund, 10.1(1), 10.5, 10.76 to 10.79, 68.8(8), 81.1, 81.3, 81.4, 82.6(5), <u>Filed</u> ARC 3804B	11/10/04 678
	Interest rate for calendar year 2005, 10.2(24), <u>Notice</u> ARC 3820B	11/24/04 736
	Individual income tax; corporation tax; fiduciary income tax; penalty and interest, 10.40 to 10.43, 10.50, 10.56 to 10.58, 10.66, 38.15“5,” 38.17(3), 39.1(1) to 39.1(3), 39.1(7), 39.2(2), 39.2(3), 39.5(2), 39.5(8), 39.5(9), 39.6(1), 39.6(2), 39.6(3)“a”(2), 40.2(1)“a,” 40.4, 40.10, 40.11, 40.25, 40.26, 40.33, 40.41, 41.5(2), 41.5(6), 41.13, 42.1, 42.2, 42.2(1) to 42.2(5), 42.6, 42.7(2), 42.9, 42.23, 43.3(13), 43.6, 43.7, ch 44, 46.5, ch 47, 49.1(1), 49.6(3), 51.2(2), 52.4(3), 52.5(1), 52.5(3), 52.6, 52.11(7) to 52.11(9), 52.11(11), 52.11(13), 53.8(1), 53.13, 55.3(4), 55.3(7), 57.2(2), 58.4(3), 58.5(1), 58.5(3), 58.6(7), 58.6(8), 58.6(10), 58.6(12), 58.6(14), 59.17, 60.3(4), 60.3(7), 89.4(7), 89.4(9)“h,” 89.5(3), 89.9, <u>Filed</u> ARC 3819B	11/24/04 770
	Contributions to endowment fund of Iowa educational savings plan trust; franchise tax—credits, allocation of revenues, computation of tax; property rehabilitation tax credit, 40.53(4), 40.58, 42.12, 42.15(3), 52.18(3), 53.21, 58.7, 59.21, 59.22, <u>Filed</u> ARC 3803B	11/10/04 679
	Sales and use tax—definitions, construction activities, exemptions of benefit to consumers, adopt chs 211, 219, 231, <u>Notice</u> ARC 3818B	11/24/04 737
3:15	STATE PUBLIC DEFENDER[493] Mark Smith (242-6513)	
	INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”	
	Appointment of counsel; claims for services, 7.1, 11.5(2), 11.5(6), 11.5(7), 11.7, 12.1(1), 12.1(2), 12.2(1)“a,” 12.2(1)“b”(2), 12.2(1)“e”(1), 12.2(1)“f,” 12.2(2), 12.2(3), 12.2(6), 12.2(9) to 12.2(12), 12.3(1), 12.3(3), 12.4(4), 12.5, 12.5(3), 12.5(4), 12.6, 12.7(1), 12.7(3), 12.8(1), 12.8(1)“h” and “i,” 12.9(1), 12.9(1)“a,” 12.9(2)“a,” “d” and “f” 12.9(3), 12.10, adopt ch 13, <u>Filed</u> ARC 3813B	11/24/04 772
No Representative Requested To Appear		
XX:00	ADMINISTRATIVE SERVICES DEPARTMENT[11]	
	Selling of goods and services, 1.7, 66.2, <u>Notice</u> ARC 3776B , also <u>Filed Emergency</u> ARC 3775B	11/10/04 661
	Cross references updated, amendments to chs 4 to 9, 25, 26, 40, 50 to 54, 59 to 61, 63, 64, 71, 100, 106, 107, 114, 116, <u>Filed</u> ARC 3783B	11/10/04 667
	State contract for purchase of airline tickets, 41.5(3), <u>Notice</u> ARC 3784B	11/10/04 650
XX:00	AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]	
	Cottonseed product control, 41.12, <u>Notice</u> ARC 3822B	11/24/04 702
	Agricultural liming—egg shells, 43.40, <u>Notice</u> ARC 3823B	11/24/04 702
XX:00	EDUCATIONAL EXAMINERS BOARD[282]	
	EDUCATION DEPARTMENT[281]“umbrella”	
	Cross reference correction, 11.37, <u>Notice</u> ARC 3770B	11/10/04 652
	Mathematics endorsement, 14.141(13), <u>Filed</u> ARC 3769B	11/10/04 667
	Driving instructor qualifications, 21.1(1), <u>Notice</u> ARC 3771B	11/10/04 652
XX:00	HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]	
	PUBLIC DEFENSE DEPARTMENT[601]“umbrella”	
	Iowa comprehensive plan, ch 9, <u>Filed</u> ARC 3817B	11/24/04 766
XX:00	IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]	
	Service credit and purchases; refunds; interest on contributions; benefits; dividends; assignments; recognition of agents; mergers, rescind 581—ch 21; amend 495—4.3(9) to 4.3(12); adopt 495—chs 7 to 16, 20, 21, <u>Filed</u> ARC 3828B	11/24/04 766
XX:00	LABOR SERVICES DIVISION[875]	
	WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”	
	Federal occupational safety and health regulations—adoption by reference, 10.20, 26.1, <u>Filed</u> ARC 3812B	11/24/04 768
XX:00	LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]	
	Professional Licensing and Regulation Division[193]	
	COMMERCE DEPARTMENT[181]“umbrella”	
	Interns; retired status; reinstatement of lapsed license, 2.1, 2.8(3), 2.9, <u>Filed</u> ARC 3816B	11/24/04 769

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XX:00	MEDICAL EXAMINERS BOARD[653]		
	PUBLIC HEALTH DEPARTMENT[641]"umbrella"		
	Administrative and regulatory authority, 1.2, 1.3(4), 1.3(5)"j" to "o," 1.10, <u>Filed</u> ARC 3826B	11/24/04	769
	USMLE licensure examination—waiver, 9.4(2)"e," <u>Notice</u> ARC 3824B	11/24/04	705
	Iowa physician health program, 14.2, 14.3, 14.6, 14.7(3), 14.9(1), 14.9(3) to 14.9(7), 14.11(2)"b," "c" and "g," 14.11(3), 17.1, <u>Filed</u> ARC 3825B	11/24/04	770
XX:00	RACING AND GAMING COMMISSION[491]		
	INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"		
	Definition of "moored barge," 5.6(1)"c," <u>Filed</u> ARC 3772B	11/10/04	678
XX:00	WORKERS' COMPENSATION DIVISION[876]		
	WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"		
	Contested cases, 4.19(3)"a," 4.25, 4.27, 4.28, <u>Filed</u> ARC 3782B	11/10/04	680