



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

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THE RULES DIGEST

August 2010

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Reference
XXXIII IAB No. 01(07/14/10)
XXXII IAB No. 02(07/28/10)

HIGHLIGHTS IN THIS ISSUE:

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COMMUNITY ACTION AGENCIES

10:50

Family development and self-sufficiency (FaDSS) program, IAB Vol. XXXIII, No. 2, ARC 8955B,
ADOPTED.

The Division implements rules implementing the FaDSS program; this program was
moved from the Department of Human Services in 2008 by House File 2328 and is now
codified in Code Supplement §216A.107. The purpose of the program is to fund,
evaluate, and provide recommendations on programs that provide services to assist
families at risk of instability or dependency on the family investment program to move
toward self-sufficiency. The program is governed by an 18 member council which
includes the directors of the Departments of Human Services, Education, Public Health,
Workforce Development, and a variety of stakeholders, including four members of the
General Assembly.

The rules establish criteria to identify families at risk; they include: the background,
educational level and the work experience of the head of household, the size and living
situation of the family, the public assistance history, and other relevant factors.

The program will provide grants for public or private service providers. Services can
include: job-seeking skills, family budgeting, nutrition, self-esteem, methamphetamine
education, health and hygiene, parenting and child education preparation, and goal
setting. Grants may be for up to 36 months, subject to available funding.

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### EDUCATIONAL EXAMINERS BOARD

11:10

*Issuance of teacher licenses and endorsements-librarians, IAB Vol. XXXIII, No. 2, ARC 8965B, NOTICE, ARC 8966B, NOTICE, ARC 8967B, NOTICE.*

These rulemakings establish the endorsement requirements for teacher librarians. According to the Board, the field of librarianship has changed significantly since these rules were last reviewed 25 years ago. The proposed rules would not amend the content requirements for such endorsements that are issued prior to September 1, 2012. The proposed rules set forth new content requirements for endorsements issued on or after September 1, 2012. The number of required semester hours in school library coursework for elementary and secondary only endorsements remains at 24 and the pre-kindergarten - 12 endorsement remains at 30 hours. The new content requirements, however, are more detailed and include areas that encompass digital and emerging technologies.

### NURSING BOARD

12:45

*Expanded intravenous therapy for the licensed practical nurse, IAB Vol. XXXIII, No. 01, ARC 8930B, NOTICE.*

Under existing rules, a licensed practical nurse (LPN), under the supervision of a registered nurse, may engage in the limited scope of practice of intravenous therapy. This proposal is actually similar to the existing provisions; it would allow:

- addition of intravenous solutions without adding medications to established intravenous sites.
- regulation of the rate of nonmedicated intravenous solutions.
- administration of maintenance doses of analgesics via the patient-controlled analgesic pump.
- discontinuation of peripheral intravenous therapy.
- administration of a prefilled heparin or saline syringe flush.

The proposal and the existing rules also set out the role of a LPN in hemodialysis treatment, including:

- initiation and discontinuation of the hemodialysis treatment utilizing an established vascular access.
- administration of local anesthetic.
- administration of prescribed dosages of heparin or saline solution.
- administration of certain routine intravenous medications.

The existing rules and the proposal detail additional procedures related to the expanded scope of practice of intravenous therapy, that the LPN can perform under the supervision of a registered nurse and upon completion of the board-approved expanded intravenous therapy certification course. These additional procedures may only be performed in a licensed hospital, a licensed skilled nursing facility and a certified end-stage renal dialysis unit.

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The LPN must have 1040 hours of practice as a licensed practical nurse, and practice in a licensed hospital, a licensed skilled nursing facility or a certified end-stage renal dialysis unit. The expanded practice does include the initiation of certain intravenous catheters not to exceed three inches in length, and the administration of certain solutions and antibiotic solutions. The rules also specify procedures which may not be delegated to an LPN.

### AGING DEPARTMENT

1:40

*Long-term care resident's advocate/ombudsman*, IAB Vol. XXXIII, No. 01, ARC 8939B, EMERGENCY AFTER NOTICE.

The department is updating an existing chapter detailing the duties of the long-term care resident's advocate/ombudsman. 2010 Iowa Acts, Senate File 2263. The Act in part requires compliance with the provisions of 42 U.S.C. §3058g; these federal requirements must be met in order to qualify for funding. The Act re-creates the long-term care resident's advocate/ombudsman as an *office* within the Department. Many of the ombudsman's duties, once set out in these rules, are now in Code §§231.41 and .42; these include:

- Establishing a reporting system;
- Providing information and education about long-term care issues;
- Monitoring the federal, state, and local laws that relates to long-term care;
- Filing an annual report with the Governor and the General Assembly.

The duties of the local long-term care resident's advocates are also detailed in the new legislation. The most significant duty is to make visits to long-term care facilities, assisted living programs, and elder group homes to observe daily routines, meals, and activities; to work at resolving complaints; and to make referrals to appropriate licensing, certifying, and enforcement agencies for investigation of abuse complaints and corrective actions.

As part of this mandate Senate File 2263 provides that the long-term care advocate or a trained volunteer may enter any long-term care facility, assisted living program, or elder group home at any time with or without prior notice or complaint and must be granted access to residents and tenants *at all times*. Any facility or program which intentionally prevents or impedes the work of the state or local long-term care advocate is subject to a penalty of up to \$1,500 for each violation. Note that if the director imposes a penalty for a violation no other state agency shall impose a penalty for the same interference violation.

The proposed rules establish an appeals process to contest any assessed penalty.

### UTILITIES DIVISION

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2:00

*Small wind innovation zones*, IAB Vol. XXXIII, No. 2, ARC 8949B, ADOPTED.

Iowa Code section 476.48 (Supp. 2009) directs the Board to establish and administer a small wind innovation zone program “to facilitate and expedite interconnection of small wind energy systems with electric utilities” within areas designated as small wind innovation zones. To be designated as a small wind innovation zone, an area must be a political subdivision of this state which adopts, or is encompassed within a local government which adopts, the model ordinance. In addition to adopting the model ordinance, an area seeking to be designated as a small wind innovation zone must also be served by an electric utility that has agreed to utilize the model interconnection agreement to contract with the small wind energy system owners who agree to its terms. The Board previously established a model interconnection agreement by rule. The model interconnection rules are mandatory for rate-regulated electric utilities and voluntary for utilities that are not rate-regulated by the Board.

The Board received written comments from various interested parties. Several changes have been made to the proposed amendments published under notice. According to the Board, the most significant changes are as follows:

- The definition of “model interconnection agreement” has been simplified to reflect the adoption of the model ordinance in March 2010 and the Board’s adoption of the final interconnection rules on May 26, 2010.
- The definition of “small wind energy system” is amended to clarify that if a non-rate-regulated electric utility has not adopted the interconnection rules, a small wind owner served by the utility will not benefit from the streamlined application process referred to in the statute.
- Require political subdivisions to provide legal boundary descriptions when they seek small wind innovation zone status.
- Clarify the requirements for political subdivisions that are not local governments and to distinguish them from the requirements that apply to local governments.
- A requirement that electric utilities provide certain documentation to political subdivisions, upon request, to clarify whether the utility is subject to or has agreed to use the provisions of the model interconnection agreement.
- Any changes the electric utility and owner agree to make to the standard interconnection agreements only apply to those parties and do not alter the standard agreements.

These amendments will become effective on September 1, 2010.

## PUBLIC SAFETY DEPARTMENT

2:15

*State building code - factory-built structures*, IAB Vol. XXXIII, No. 1, ARC 8938B, Notice, ARC 8937B, FILED EMERGENCY.

This rulemaking establishes standards for factory-built structures, which include manufactured homes and modular buildings of all types. The Building Code Commissioner has authority to establish an “insignia of approval” and to require that modular buildings bear the established insignia. The rules address the requirements for

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certificates of compliance and provide <sup>-5-</sup> for code compliance certificates and for installation certificates for modular structures. The rules also establish fees for modular code compliance seals and modular installation seals at \$30 and \$15, respectively.

According to the Department, the rules simplify the requirements, based upon a review necessitated by a reduction in staff available to administer programs within the Building Code Bureau. The Commissioner, however, expects no loss of accountability for ensuring code compliance or proper installation of modular buildings to result from these changes.

These amendments became effective July 1, 2010.

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*Notification of law enforcement agency by hospital*, IAB Vol. XXXIII, No. 2, ARC 8942B, FILED EMERGENCY.

This rulemaking implements 2010 Iowa Acts, Senate File 2352, relating to the emergency hospitalization of a person with a serious mental impairment. This Act was in response to a murder which resulted from the improper release of a mental patient from a hospital. The Act provides that if a peace officer delivers a person for emergency hospitalization for a serious mental impairment and an arrest warrant has been issued for or charges are pending against the person, the officer may request that any oral or written court order require the hospital or facility to notify the law enforcement agency prior to discharge of the person from the facility.

## IOWA FINANCE AUTHORITY

No Rep

*HOME partnership program*, IAB Vol. XXXIII, No. 2, ARC 8963B, EMERGENCY.

This low-income housing program provides for a variety of housing efforts, including: transitional housing, tenant-based rental assistance, rental housing rehabilitation (including conversion and preservation), rental housing new construction, home ownership assistance, owner-occupied housing rehabilitation, and other activities.

Assisted rental units shall rent at the lesser of the area fair market rents or a rent that does not exceed 30 percent of 65 percent of the area median family income and, for projects with five or more units, 20 percent of the assisted units shall rent at the lesser of the fair market rent or a rent that does not exceed 30 percent of 50 percent of the area median family income. For home ownership assistance or owner rehabilitation, the initial purchase price for newly constructed units or the after rehabilitation value for

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rehabilitated units shall not exceed 95 percent of the median purchase price. Units shall remain affordable for a specified period: 20 years for newly constructed units; 15 years for rehabilitated units receiving over \$40,000 per unit in assistance; 10 years for rehabilitated units receiving \$15,000 to \$40,000 per unit in assistance; and 5 years for projects receiving less than \$15,000 per unit.

Awards are limited to no more than \$500,000 for all single-family activities assisting homeowners or home buyers, and to no more than \$900,000 for all multifamily rental activities.

Rental units shall be rented to households with incomes at or below 80 percent of the area's median family income. At initial occupancy, 90 percent of the units shall be rented to households with incomes at or below 60 percent of the area's median family income and, for projects with five or more units, 20 percent of the units shall be rented initially to households with incomes at or below 50 percent of the area's median family income. For home ownership assistance and owner-occupied rehabilitation, only households with incomes at or below 80 percent of the area median family income shall be assisted.

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*Recovery Zone Bond Allocation, IAB XXXIII No. 2 ARC 8962B, ADOPTED.*

This filing was initially published as an “emergency” filing in May, 2010. 2010 Iowa Acts, House File 2487 provides for recovery zone bonds; there are two types: recovery zone economic development (“RZED”) bonds and recovery zone facility (“RZ facility”) bonds. This program was created in the federal *American Recovery and Reinvestment Act* in 2009. The bonds may be used to finance business development activities in areas of significant economic distress. A Recovery Zone is an area having significant poverty, unemployment, home foreclosures, or general distress; or an area that has already designated as an empowerment zone or renewal community. Iowa may issue up to \$90 million of RZED bonds and up to \$135 million of RZ facility bonds.