



# THE RULES DIGEST

March 2011

**Scheduled for committee review**  
**Friday, March 11<sup>th</sup>, 2011**  
**Senate Committee Room #116**

Reference  
XXXIII IAB No. 16(02/09/11)  
XXXIII IAB No. 17(02/23/11)

## **HIGHLIGHTS IN THIS ISSUE:**

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## **EDUCATIONAL EXAMINERS BOARD**

8:35

*School business official authorization, IAB Vol. XXXIII, No. 17, ARC 9381B, NOTICE.*

In this rulemaking, the Educational Examiners Board establishes a new authorization for school business officials pursuant to 2010 Iowa Acts, House File 2461. The rulemaking sets out an application process, requirements for applicants including education standards, an authorization renewal process, revocation and suspension criteria, and procedures for the approval of courses to satisfy required education standards.

A public hearing will be held March 16, 2011.

## **EDUCATION DEPARTMENT**

8:35

*Standards for school business official preparation programs, IAB Vol. XXXIII, No. 17, ARC 9379B, NOTICE.*

In this rulemaking, the Department of Education provides standards and procedures for the approval of training programs for individuals who seek authorization issued by the Educational Examiners Board for employment as school business officials responsible for the financial operations of a school district, in implementation of 2010 Iowa Acts, chapter 1099. The rulemaking sets out institutions eligible to provide a school business official preparation program; procedures for approval of programs; and

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standards for governance and resources, instructors, assessment systems and institution evaluations, and candidate knowledge and skills. The rulemaking also provides for a school business official mentoring program, periodic program reports upon request by the department, and procedures for reevaluation of programs and approval of program changes.

A public hearing will be held March 15, 2011.

## ENVIRONMENTAL PROTECTION COMMISSION

9:10

*Air Quality: Title V operating permit program, IAB Vol. XXXIII, No. 16, ARC 9366B, NOTICE.*

Iowa's air quality program is financed in part by a \$56 per ton fee for air pollutants emitted by large sources; the amount was last set in 2010 and is capped at that level. A reduction in actual emissions will result in a reduction of \$1.2 million in expenditures for the current fiscal year in order not to exceed the maximum fee. Emissions are anticipated to continue to decline by 5 percent,

The EPC has met with stakeholders to discuss this situation and proposes a number of alternative solutions. If additional revenue is not forthcoming, services must be cut. The EPC states that without an increase, staffing reductions will delay the permitting process. Small business assistance provided by the University of Northern Iowa and the Iowa Department of Economic Development would be reduced or eliminated. The ambient air monitoring network, which informs Iowans whether their health is being protected, would be reduced or eliminated. The notice sets out a variety of possible reductions in service.

The proposal sets out five options, ranging from:

- raising the cap to \$65 per ton, raising the cap to \$89 per ton,
- raising the minimum fee to \$5,000, keeping the current cap,
- lowering the fee to \$47 but eliminating the current ceiling on the number of tons assessed,
- imposing a new fee.

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*Water quality standards: Iowa lakes, IAB Vol. XXXIII, No. 17, ARC 9371B, NOTICE.*

The EPC proposes criteria to measure suitability for swimming in each of Iowa's lakes. Both of these criteria are measures of the transparency of the water. One measures the penetration of light into the water, the second measures the amount of chlorophyll in

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the water. People are more likely to swim in lakes where the water is clearer than where it is turbid or green.

The EPC has developed a list of lakes to which the clarity criteria will apply. A lake was added to the list if the lake has a maintained beach, appears on the list of significant publicly owned lakes or has a mean depth of more than three meters (about ten feet).

Seven hearing are scheduled throughout the state.

### **NATURAL RESOURCES COMMISSION**

9:40

Concessions, IAB Vol. XXXIII, No. 16, ARC 9363B, NOTICE.

This notice is a re-write of existing rules establishing the process to select concessions at state parks, recreation areas and other property. The DNR will post a request for proposal on the Department of Economic Developments small business web site.

Not every contract will be put up for bid. Existing concessionaires may request renewal during the term of a contract after a minimum three years of concession operation and a minimum of six months prior to expiration of the existing contract. The provisions of the renewal contract will be negotiated between the department and the concessionaire. The DNR is not required to renew a contract.

The DNR will select a concessionaire it determines to be best suited for a concession operation in a state park or recreation area, based upon seven criteria set out in the rule. Most of the criteria relate to the soundness of the concessionaire as a business and the terms of the contract. The criteria do include consideration of the Iowa Department of Public Health's "Comprehensive Nutrition and Physical Activity Plan", and the use of environmentally friendly practices and materials.

The placement of vending machines is not subject to the bidding process. These machines may be placed in state parks and recreation areas only by the publisher or distributor of the newspaper to be sold, the distributor of the soft drink to be sold in the machines, or by private vending machine companies. Companies placing vending machines in state parks and recreation areas must submit a proposal to the department that states the location, number, and type of vending machines to be placed; the price that will be charged to the public; and the proposed fee or commission to be paid to the state.

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Friends groups or organizations set up to support state parks do not bid. These groups submit a proposal to operate a concession operation at a particular state park or recreation area, stating the services to be provided, hours of operation, and staffing. All net proceeds from the sale of merchandise and other concession services must be spent on state park or recreation area improvement projects.

## HUMAN SERVICES DEPARTMENT

10:40

*Child abuse prevention program, IAB Vol. XXXIII, No. 16, ARC 9348B, NOTICE.*

This rulemaking rescinds chapter 155 governing the child abuse prevention program and adopts a new chapter with the same title. The new chapter updates the rules that define and structure the child abuse prevention program. Program services are provided at the local level through community-based child abuse prevention projects. Program funds are administered by an entity under contract with the Department. The current administrative services contract for this program will expire on June 30, 2011. The Department is issuing a request for proposals for a single statewide performance-based administrative services contract for fiscal year 2012. The newly adopted chapter contains a more generalized description of the program which will allow the Department to guide the program's direction through the RFP and contracting process. Annual goals will be set for the program by the child abuse prevention program advisory committee and implemented through the contractor's process for disbursement of program funds. The new chapter sets detailed program objectives and processes through the request for proposals and the contract for program administration which will allow the Department to implement program changes as required by the federal government without requiring the need for rule changes. The newly adopted chapter aligns the purchasing process with current state rules for the purchase of services.

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*Medicaid remedial services--coverage as behavioral health intervention under Iowa Plan for Behavioral Health, IAB Vol. XXXIII, No. 17, ARC 9399B, NOTICE.*

This rulemaking is part of the implementation of the plan developed by the remedial services transition committee to transition remedial services from a fee-for-service program administered by the Iowa Medicaid Enterprise to administration by the Iowa Plan for Behavioral Health, a managed care program under contract to Iowa Medicaid. This transition is pursuant to 2010 Iowa Acts, House File 2526, section 31. The amendments rename Medicaid remedial services to "behavioral health intervention," a

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term relating to the provision of skill-building services to assist members who are diagnosed with clinical mental disorders, including major mental disorders and learning disorders, but excluding personality disorders and mental retardation, to better manage their behavior and symptoms. The amendments require the Iowa Plan for Behavioral Health to cover behavioral health intervention for members who are enrolled in the Iowa Plan. Behavioral health intervention will be covered under the fee-for-service program only for members not enrolled in the Iowa Plan for Behavioral Health when the services are provided. The amendments require that all behavioral health intervention providers be enrolled in the Iowa Plan for Behavioral Health in order to receive Medicaid fee-for-service payment. The amendments remove community psychiatric supportive treatment and rehabilitation programs as covered services. The definition of “rehabilitation program” is similar to the definition of “skill training and development,” which remains a covered service. The amendments add family training as a covered behavioral health intervention service for members under the age of 21. The amendments require that the recommendation for behavioral health intervention be part of a comprehensive treatment plan which also includes other behavioral health services. The amendments provide that all behavioral health intervention services will be subject to telephone authorization by the Iowa Plan for Behavioral Health. Services may be community-based or may be directed to children at risk of or currently in group care placement. The amendments provide that all behavioral health intervention services will be reimbursed according to a fee schedule developed by the Iowa Plan for Behavioral Health.

A public hearing will be held March 16, 2011.