



THE RULES DIGEST

December
2011

Scheduled for Committee review
December 13th, 2011
Room #116

Reference
XXXIV IAB No. 09(11/02/11)
XXXIV IAB No. 10(11/16/11)
XXXIV IAB No. 11(11/30/11)

HIGHLIGHTS IN THIS ISSUE:

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TRANSPORTATION DEPARTMENT

10:00

Special truck stickers; special registration plates, 11/02 IAB, ARC 9833B, FILED.

This rule making implements 2011 Iowa Acts, Senate File 312, which allows the Department to adopt rules requiring the use of a sticker for special trucks when regular registration plates or special registration plates are displayed in lieu of special truck registration plates. The proposed rule requires an owner of a special truck who has been issued either regular registration plates or special registration plates other than special truck registration plates to obtain from their county treasurer a plate sticker which distinguishes the vehicle as a special truck. The requirement applies during registration periods beginning on or after January 1, 2012.

This rule making also implements 2011 Iowa Acts, House File 651, which provides for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, civil war sesquicentennial, and fallen peace officers special registration plates.

TRANSPORTATION DEPARTMENT

10:00

Motor vehicle dealers: hours of operation, Ch. 425, SPECIAL.

DOT chapter 425 sets out licensing standards for licensing of motor vehicle and travel trailer dealers. A licensee must maintain a principal place of business, which must be staffed during regular business hours, not less than 32 hours per week. Iowa Code §§ 322.2 and 322C.2 provides that the place of business must have facilities for the display of vehicles and for repairing or reconditioning of vehicles.

DEPARTMENT ON AGING

10:15

Reduction of local agencies, 11/30 IAB, ARC 9846B, EMERGENCY.

2011 Iowa Acts, House File 45, §20 requires the Department to develop a plan for reducing the number of area agencies on aging in the state, effective July 1, 2012. The Department must submit the plan to the standing committees on human resources of the senate and house of representatives and the joint appropriations subcommittee on health and human services on or before December 15, 2011.

The Department has filed emergency rules to re-write existing provisions relating to its planning responsibilities.

ECONOMIC DEVELOPMENT AUTHORITY

10:30

State small business credit initiative (SSBCI), 11/16 IAB, ARC 9863B, EMERGENCY.

The federal government has provided over \$13 million to fund the State Small Business Credit Initiative (SSBCI). As part of that initiative, the Authority is obligated to spend \$5 million for purposes of an SSBCI Demonstration Fund. The rules are filed on an emergency basis in order to make certain federal funds available to Iowa businesses by the end of November 2011.

The fund will provide financial and technical assistance to innovative entrepreneurs and businesses. An innovative business includes the biosciences, IT enterprises and advanced manufacturing. Assistance can include loans, forgivable loans, and grants.

An applicant must be located in Iowa, demonstrate the potential for high growth, and be an innovative business. The applicant must provide a dollar-for-dollar match. Businesses which are engaged in retail sales, provide health services, or reduce workforce in one part of the state by 20% in order to relocate, are not eligible.

ECONOMIC DEVELOPMENT AUTHORITY

10:30

Energy development programs, 11/16 IAB, ARC 9851B, EMERGENCY.

2011 Iowa Acts, House File 45, section 13, repealed the Generation Iowa Commission, transferring a number of its programs to Economic Development. This transfer is done using emergency rulemaking. The transferred rules set out the general principles for grant program administration relating to the power fund. The rules also detail the energy efficiency community grant program.

INSURANCE DIVISION

11:10

External review, 11/16 IAB, ARC 9854B, NOTICE.

This notice of intended action provides a good example of negotiated rulemaking. This chapter was revised in July 2011 to implement 2011 Iowa Acts, House File 597; that legislation implemented new federal requirements. Subsequent discussions resulted in numerous changes, so now the Division proposes to re-draft the entire chapter.

House File 597 establish procedures for an aggrieved person to appeal an “adverse decision” by a health care insurer that deny, reduce, or terminate payment for health care services. The Act implements the federal Patient Protection and Affordable Care Act. The Insurance Commissioner will select an independent review organization to conduct the review. Clinical reviewers will review the files and, within 45 days will render a decision to uphold or reverse the determination of the insurer. Upon reversal, the insurer must approve the coverage that was the subject of the determination. Expedited review is available for emergency situations. These determinations may be enforced in district court. Likewise, the person requesting the determination may appeal that determination into district court. However, findings of fact are conclusive and binding on appeal.

PUBLIC HEALTH DEPARTMENT

11:30

Fees: return receipts, 11/30 IAB, ARC 9880B, ADOPTED.

The fee schedule for medical examiner fees is not being revised, however, this rule makes clear that the fees collected are be considered repayment receipts as defined in Iowa Code §8.2. A repayment receipt is money collected by an agency that supplements its appropriation. Fees are traditionally deposited in the general fund, while repayment receipts are retained by the agency, they supplement the agency appropriation.

Essentially, a repayment receipt is the method used by an agency to recoup the cost of providing a service.

Generally, this is specifically authorized in the Code; in this case the Department is declaring the fee as repayment receipts by rule.

HUMAN SERVICES DEPARTMENT

12:00

IowaCare, 11/30 IAB, ARC 9890B, ADOPTED.

In response to concerns expressed by federally qualified health centers designated as IowaCare medical home providers about their limited ability to provide certain medically necessary care to IowaCare members, the Eighty-Fourth General Assembly created two new capped funding pools, a care coordination pool and a laboratory test and radiology pool. These pools will help medical homes defray the cost for medically necessary care not otherwise covered under IowaCare. Failure to provide the services covered by these pools may result in readmission to a hospital. These amendments:

- Establish covered services to be reimbursed through the new funding pools;
- Establish protocols for referral of IowaCare members to another provider;
- Make a technical correction to clarify that members are assigned to, rather than enrolled in, medical homes;
- Require IowaCare providers to develop a process to improve communication and resolve care disputes when referring members for specialty and hospital care.

HUMAN SERVICES DEPARTMENT

12:00

State Supplementary assistance, Emergency, Special Review.

2011 Iowa Acts, House File 649, §11 appropriated almost \$17 million for state supplementary assistance. The Act also required the department to increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The Act also provided that if the department projects that state supplementary assistance will not meet the federal pass-through requirements the department may

increase the personal needs allowance for RCF residents and make other adjustments to the residential care facility or in-home health-related care reimbursement rates to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated and ensuring compliance with federal requirements.

The department was specifically authorized to adopt emergency rules. this filing is being reviewed in advance of publication; this ensures that the committee has an opportunity to review the rule before it is effective.

SECRETARY OF STATE

12:00

Revocation of notary license, 11/16 IAB, ARC 9857B, NOTICE.

This rule making sets out standards and procedures for the revocation of a notary license by the Secretary of State pursuant to the Secretary's authority under Iowa Code Chapter 9E. The proposed rule provides that the Secretary may revoke a notary license for cause. The rule sets out procedures for submission of a formal complaint about a notary to the Secretary and for response by a notary to the complaint. If a formal complaint about a notary is received, the Secretary is required to conduct an investigation to determine if there is sufficient cause for revocation. Procedures for a notary facing a license revocation to pursue a contested case hearing and subsequent judicial review pursuant to Iowa Code Chapter 17A are also set out.

SECRETARY OF STATE

Corporate filings, 11/16 IAB, ARC 8961B, EMERGENCY.

This rulemaking sets out the requirements for the payment and refund of fees for corporate filings. This emergency filing does not create any new fees or raise existing fees. Iowa Code §17A.2(11)"g" provides that fees are subject to rulemaking; the Secretary has discovered these long-standing fees have never been codified. They are filed emergency because the fees themselves remain unchanged.

UTILITIES DIVISION

Capital infrastructure investment automatic adjustment mechanism for rate regulated natural gas utilities, 11/02 IAB, ARC 9831B, FILED.

The proposed rule would establish two alternative procedures for automatic adjustment mechanisms through which rate-regulated natural gas utilities could recover costs for certain eligible capital infrastructure investments. To recover costs for an eligible investment under one of the procedures, the utility would be required to file for Board approval a proposed automatic adjustment mechanism that meets the four criteria established by the rule. Under the other automatic adjustment mechanism, a utility could file a proposed tariff, with the information required by the proposed rule, that would establish a rate for recovery of costs for an eligible investment that is required by governmental mandate or action or is required for safety.