



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

THE RULES DIGEST

January 2012

Scheduled for Committee review
January 4th, 2012
Room #22

Reference
XXXIV IAB No. 12(12/14/11)
XXXIV IAB No. 13(12/28/11)

HIGHLIGHTS IN THIS ISSUE:

21ST CENTURY SKILLS, Education 1
CHILD ABUSE, Education. 3
INTERNET SITES, Pharmacy..... 4

COLLEGE STUDENT AID COMMISSION

9:55

Health care professional recruitment program, 12/14 IAB, ARC 9833B, NOTICE.

The former osteopathic physician recruitment program is revised and expanded into the health care professional recruitment program. House file 645 expanded the program to cover all health professions; the bill also eliminated the forgivable loan and the scholarship components of the program, leaving a straight loan program for health care professionals who are graduates of Des Moines University. The health care professional may receive up to 50,000 in state-funded repayment benefits

Under the program a medically underserved rural Iowa community will match state funds on at least a dollar-for-dollar basis for the loan repayment of a licensed health care professional who practices for at least four years in the community.

EDUCATION DEPARTMENT

10:05

Twenty-first century learning skills, 12/14 IAB, ARC 9909B, NOTICE.

Iowa Code §256.7 provides that the department shall adopt rules establishing a core curriculum; in part these rules provide:

The rules establishing a core curriculum shall address the core content standards in subsection 28 and the skills and knowledge students need to be

successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The department shall further define the twenty-first century learning skills components by rule.

This proposal implements the statutory mandate. The rules add descriptions for the five skills specified in the statute. These skills are to be incorporated throughout the K-12 program.

EDUCATION DEPARTMENT

10:05

Child abuse reports--duties of school authorities, 12/14 IAB, ARC 9905B, FILED.

This rule making conforms the Department's rules to 2011 Iowa Acts, H.F. 645, §95, which requires certain duties of the board of directors of a school district and the authorities in charge of an accredited nonpublic school when an employee is under investigation for an allegation of abuse under the Department's rules and when a finding is made that an employee's conduct constitutes a crime. The duties include placing a school employee who is the subject of an investigation of an alleged incident of physical or sexual abuse on administrative leave once an investigator has determined that a written complaint is investigable and reporting the results of an investigation that finds that the school employee's conduct constitutes a crime to the Board of Educational Examiners.

At the Committee's November meeting, members expressed concern about the lack of standards as to what sort of evidence might be used against a school employee investigated under the rule and as to how much authority is granted to an investigator. Members also noted the possible stigma a school employee who is the subject of an investigation might face, even if the allegations later prove to be unfounded. The Committee voted to refer this rule making to the General Assembly for further consideration.

EDUCATION DEPARTMENT

10:05

Senior Year Plus--transportation costs, 12/14 IAB, ARC 9899B, NOTICE TERMINATED.

The Senior Year Plus Program allows high school seniors to enroll in college-level courses at community colleges. 2011 Acts, Senate File 470, §12 struck language in Iowa

Code §261E.8 which provided that the student was responsible for transportation to the community college. The elimination of the travel language was part of the Department's legislative package in 2011.

In October the Committee reviewed a Department proposal to implement SF 470 by providing that the local district must provide transportation. Department representatives noted that the Senior Year Plus Program, unlike other college-credit programs, was actually part of the high school curriculum, for which the school receives state aid. The representatives maintained that part of this money should be used to transport the students, noting that no student could be denied access to this program based on transportation issues. Committee members were concerned that legislators were unaware of the impact of SF 470, and local districts might well drop the program rather than carry this additional cost.

The Department now terminates this proposal, allowing the legislature to consider this issue further.

IOWA FINANCE AUTHORITY

10:40

Low-income housing tax credit program--2012 qualified allocation plan, 12/28 IAB, ARC 9950B, FILED.

These amendments replace the current qualified allocation plan (QAP) for the Low-Income Housing Tax Credit Program with the 2012 QAP, which is incorporated by reference in the rule making. The QAP sets forth the purpose of the plan, the administrative information required for participation in the program, the threshold criteria, the selection criteria, the postreservation requirements, the appeal process, and the compliance monitoring component. The plan also establishes the fees for filing an application for low-income housing tax credits and for compliance monitoring.

At the Committee's December meeting, public comment was heard from stakeholders in the affordable housing industry who raised several concerns about the changes made to the QAP. Stakeholders asserted that a change to the QAP criteria was made in 2009 that resulted in the loss of credit points for certain projects. The change was a specification that tax abatements, but not tax exemptions, would be considered among the criteria, when such a distinction is not provided for in statute. There was disagreement between stakeholders and an IFA representative as to IFA's authority to

make such a distinction, and whether such a distinction is in keeping with the intent that the QAP criteria be based on localized factors.

VOTER REGISTRATION COMMISSION

11:30

Voter notifications, 11:30 IAB, ARC 9943B, FILED.

These rules would require county commissioners to send a notice to a voter when the voter's primary or general election polling place is permanently changed. Currently, voters across the state are treated inconsistently when polling place locations are permanently changed. Some receive notices mailed to their residences and other voters must rely on the election publications or contact the county commissioner's office to determine the location of the voter's polling place. The proposed rules require county commissioners to notify all active registered voters affected by a permanent primary or general election polling place change of their new polling place location. The rules provide commissioners with the discretion to send notices to each household with an active registered voter affected by the polling place change or to each active registered voter. In response to questions raised by the Committee, the Commission conducted a survey as to the fiscal impact this would have on individual counties. The Commission found that most counties already send notices to each voter, and the rest do not anticipate any significant fiscal impact from this rule change.

PHARMACY BOARD

12:00

Pharmacy internet sites, 12/14 IAB, ARC 9913B, FILED.

This rule making establishes the requirements for the internet sale of prescriptions by pharmacies and for accreditation by the National Association of Boards of Pharmacy (NABP) as a verified internet pharmacy practice site (VIPPS). The proposed rules identify specific information that must be displayed on a pharmacy internet site and establish requirements for site registration with the Board. Terms used in the chapter are defined, prescription requirements are identified and responsibilities established, and record-keeping requirements are established. The proposed rules also establish grounds for denial of an application for pharmacy internet site registration or registration renewal and for disciplinary action and identify appeal processes and sanctions relating to those actions.

TREASURER OF STATE

Unclaimed property, 12/28/11 IAB, ARC 9936B, FILED.

The Treasurer periodically updates rules which implement the Iowa Code chapter 556, the Uniform Disposition of Unclaimed Property Act. Under Iowa Code Chapter 556 unclaimed property can include both tangible and intangible property (cash, stocks coupons, etc.). Every person holding funds or other type of property which is presumed abandoned, must report to the state treasurer. On payment or delivery of property to the treasurer the state assumes custody and responsibility for the safekeeping of the property. A person who pays or delivers property to the treasurer of state in good faith is relieved of all liability with respect to the property. All abandoned property other than money delivered to the state treasurer under this chapter which remains unclaimed may be sold to the highest bidder at public sale.

The proposal adds provisions regulating “dormancy fees” meaning a fee or a service charge that results in the reduction of an account balance or property value, which is not directly related to a transaction initiated by an owner. These fees are sometimes imposed on gift cards, back accounts, etc., that are inactive for a period of time. Chapter 556 places specific limits on these charges.