



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

THE RULES DIGEST

February 2012

Scheduled for Committee review
Friday February 10th, 2012
Room #116

Reference
XXXIV IAB No. 14(01/11/12)
XXXIV IAB No. 15(01/25/12)

HIGHLIGHTS IN THIS ISSUE:

HORSE BREEDERS' PROMOTION FUND, Agriculture..... 1
EXTERNAL REVIEW, Insurance..... 2

LABOR DIVISION

9:15

Child labor: golf carts, 01/11/12 IAB, ARC 9963B, ADOPTED.

Iowa Code §92.8(2) prohibits anyone under the age of 18 from employment as a "motor vehicle driver and helper". This filing creates an exception for 16 or 17 year old employees of a golf course, allowing them to operate golf carts as part of their duties. Division representatives noted that youngsters playing golf on the course could drive a golf cart, and so it made little sense to deny that ability to employees.

When reviewed as a notice, committee members suggested this same privilege should be extended to 16 and 17 year old employees using all-terrain vehicles for farm work. Division representatives responded that all-terrain vehicles were significantly more powerful than golf carts and posed a greater danger to the operator. Committee members expressed concern about possible unintended consequences of this rule change, such as increased liability of the state for accidents caused by these young employees and possible conflicts with federal law.

AGRICULTURE DEPARTMENT

9:25

Iowa thoroughbred horse breeders' promotion fund, 01/25/12 IAB, ARC 9978B,
NOTICE.

Under current law, money equal to 12% of the purse money won by an Iowa-foaled horse or Iowa-whelped dog is set-aside to promote the horse and dog breeding industries. The assessment is applicable to all races that are limited to Iowa-foaled horses or Iowa-whelped dogs and all other races which are won by Iowa-foaled horses or Iowa-whelped dogs. The money actually comes from the "breakage"---the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents; i.e.: the net pool minus payoff.

2011 Iowa Acts, Senate File 526, requires breeder's awards or purse supplement awards to enhance and foster the growth of the horse breeding industry. The Act provides that no less than 20% of all net purse moneys distributed to each breed is designated for registered Iowa-bred foals in the form of breeder's awards or purse supplement awards to "enhance and foster the growth of the horse breeding industry."

Under these rules money equal to 6% of the purse won by an Iowa-foaled thoroughbred horse shall be used as a supplement to promote the thoroughbred horse breeding industries for horses placing second through fourth place.

INSURANCE DIVISION

9:35

External review, 11/16 IAB, ARC 9979B, ADOPTED.

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.

SECRETARY OF STATE

no rep.

Revocation of notary license, 01/11 IAB, ARC 9969B, ADOPTED.

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.