



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

THE RULES DIGEST

November 2013

Scheduled for Committee review
Friday, November 8th, 2013
Room #116

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XXXVI IAB No. 08(10/16/13)
XXXVI IAB No. 09(10/30/13)

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COLLEGE STUDENT AID COMMISSION

9:40

Rural Iowa primary care loan repayment program, 10/16/13 IAB, ARC 1121C, NOTICE.

This program is a state-supported and administered loan repayment program for students who agree to practice as physicians in a "service commitment area" for 60 consecutive months and meet other specified requirements. These areas are defined as "a medically underserved Iowa city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more." Ten awards are available each year, half each to the University of Iowa College of Medicine and Des Moines University College of Osteopathic Medicine.

The maximum amount of loan repayments that a physician can receive under the program, cannot exceed \$200,000. The service commitment area must agree to contribute \$20,000 into the program fund.

Priority will be given to students who are Iowa residents.

COLLEGE STUDENT AID COMMISSION

9:40

Rural Iowa ARNP and PA loan repayment program, 10/16/13 IAB, ARC 1120C, NOTICE.

The rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program is a state-supported and administered loan repayment program for applicants who agree to practice as advanced registered nurse practitioners or physician

assistants in service commitment areas for 60 consecutive months and meet other requirements. The Commission will annually determine the number of ARNPs and Pas that can be funded.

The maximum amount of loan repayments that a physician can receive under the program, cannot exceed \$20,000. The service commitment area must agree to contribute \$2,000 into the program fund.

ECONOMIC DEVELOPMENT AUTHORITY

9:50

Innovation fund tax credit program, 10/16/13 IAB, ARC 1098C, EMERGENCY AFTER NOTICE.

This filing was published as a notice of intended action on August 7th. With the notice complete, it is now adopted and placed into effect before final publication. The program provides a tax credit for a portion of an equity investment in a certified innovation fund. A qualified fund is a private, early-stage capital fund certified by the board. This filing makes a variety of amendments to the program; most important are additional criteria for the issuance of tax credits. In order to maintain certification, an innovation fund must demonstrate compliance with the eligibility criteria at all times during participation in the program. A failure to comply with the eligibility criteria on an ongoing basis may result in revocation of certification.

These new criteria include:

- multiple rounds of funding and early-stage private sector funding to innovative businesses with a high growth potential, and proposes to focus such funding on innovative businesses that show a potential to produce commercially viable products or services within a reasonable period of time.
- evaluation of all prospective innovative businesses using a rigorous approach and proposes to collaborate and coordinate with the authority and other state and local entities in an effort to achieve policy consistency.
- collaboration between the innovation fund and the regents institutions of this state and to leverage relationships with such institutions in order to potentially commercialize research developed at those institutions.
- acquisition of at least \$15 million in binding investment commitments and to invest a minimum of \$15 million in companies that have a principal place of business in Iowa.

An eligible business must have at least 50 percent of all of its employees in the state, pay at least 50 percent of the business's total payroll to employees residing in the state, or the headquarters of the business is in the state.

Tax credit certificates issued pursuant to this program may be transferred, in whole or in part, to any person or entity. A tax credit certificate shall only be transferred once. The board will not issue a tax credit certificate prior to September 1, 2014.

EDUCATIONAL EXAMINERS BOARD

10:00

School administration manager authorization, 10/16/13 IAB, ARC 1086C, ADOPTED.

The proposed rule will require that anyone performing the duties of a school administration manager (SAM) hold the proper authorization from the Board. The proposed rule includes standards for applying for an authorization; requirements to receive an authorization, including education, training, and competencies; and processes for renewal, revocation, and suspension of the authorization and for approval of training courses.

EDUCATION DEPARTMENT

10:10

Supplementary weighting plan for operational services, 10/16/13 IAB, ARC 1119C, ADOPTED.

This rulemaking is intended to comply with recent legislative changes that reauthorized and modified the current statute for supplementary weighting used for school district funding. Additional classifications of employees were allowed to be shared between districts. In addition, districts no longer need to be adjoining to participate in this program.

At the Committee's September meeting, significant public comment was heard relating to a dispute over whether the underlying legislation, 2013 Iowa Acts, HF 472, allows school districts to add new staff for these shared positions. The department contends that it does not, and that a contrary interpretation would significantly increase the cost of the legislation beyond what was projected during the 2013 Legislative Session. Public commenters, including several school superintendents, contended the framework proposed by the department is unworkable for school districts, as it requires them to make staffing decisions presently in order to possibly receive the additional funding for the following school year, for which they will not be eligible if they hire additional staff.

EDUCATION DEPARTMENT

10:10

Private instruction and dual enrollment, 10/16/13 IAB, ARC 1126C, NOTICE.

In 2013, the enacted education reform bill included provisions to allow parents who choose private instruction to enroll their child in competent private instruction, independent private instruction, or private instruction by a nonlicensed person (also deemed a form of competent private instruction for certain purposes). Legislation also provided changes in the access to and the costs of annual achievement evaluations for students under private instruction. The proposed rules reflect the newly enacted provisions regarding private instruction, align the department's rules with the requirements of special education law, and to make a technical correction concerning blood lead testing.

ENVIRONMENTAL PROTECTION COMMISSION

10:40

Unstaffed UST tanks, 10/16/13 IAB, ARC 1100C, ADOPTED.

These provisions were initially reviewed by the Committee in August. Under the rules leak detection in underground storage tanks (UST) must provide either a leak detector capable of shutting off the submersible pump or a device that immediately alerts the operator when a leak is detected. The operator must be on site within two hours of notification. In 2010 the committee objected to this provision; the committee questioned whether the EPC had statutory authority for the requirement. Iowa Code §455B.474A states, in part, "The rules adopted by the commission under section 455B.474 shall be consistent with and shall not exceed the requirements of federal regulations relating to the regulation of underground storage tanks" Since federal regulations do not have specific leak detection requirements for unstaffed fueling facilities, the Committee believes the plain language of §455B.474(10) precludes this rulemaking.

In January the EPC adopted emergency rules extending a current compliance extension from January 1, 2013 to January 1, 2014 if it can be shown that there is no reasonable alternative fueling source in the vicinity or fueling is needed to satisfy emergency or public safety considerations. The ARRC approved that extension at its' February meeting.

This proposal allows existing in-line leak detection methods to be used when the UST facility is unattended, with additional requirements to ensure that detected releases are addressed. The proposal allows for immediate shutdown of the submersible pump when

a release is detected. It also allows for flow restriction or the triggering of an audible or visual alarm when a leak is detected and either notification to or a daily visit by the facility's operator. Notification can occur either by immediate electronic communication of a release from the leak detection monitor or by signage at the site with a telephone number directing the customer to call the operator or designee when a potential release is indicated.

LABOR SERVICES DIVISION

11:15

Bidder preferences in government contracting, 10/30/13 IAB, ARC 1160C, NOTICE.

This proposal will adopt new rules concerning preferences for resident bidders on government construction projects, as provided in Iowa Code § 73A.21. The new chapter sets forth requirements for a public body involved in a public improvement and sets forth procedures for civil penalty cases. The chapter requires any public body that requests bids related to a public improvement to request a statement from each bidder regarding the bidder's resident status, and sets out standards for determining whether a bidder is a resident or nonresident bidder. Bidders must submit various information to facilitate the determination of residency. The chapter requires a public body to allow a preference to a resident bidder as against a nonresident bidder that is equal to any preference given or required by the state or foreign country in which the nonresident bidder is a resident. The chapter provides for a complaint process, authority to conduct investigations, and civil penalties for violations.

LABOR DIVISION

11:15

Regulation of boxing and wrestling competitions, 10/16/13 IAB, ARC 1107C, NOTICE.

As the Athletic Commissioner, the Labor Commissioner has general regulatory authority over boxing, wrestling and mixed martial arts competitions. These rules set general requirements for "athletic events"--a mixed martial arts match, professional boxing match, or wrestling match. Professional events require, proof of insurance, a \$5,000 bond, and other requirements. The event license fee is \$125 for a professional wrestling event, \$500 for an event with only amateur mixed martial arts contestants, and \$750 for all other covered events.

The rules also specify promoter responsibilities; these include ensuring that ambulance and EMT services are available, providing a clean and adequate facility for

the competition, and providing \$10,000 of health insurance coverage on each contestant to provide for medical, surgical and hospital care for injuries sustained and illnesses contracted during the event.

HUMAN SERVICES DEPARTMENT

2:00

Mental health and disability services regional core services, 10/16/13 IAB, ARC 1096C, ADOPTED.

These amendments define core services that mental health and disability services (MHDS) regions must offer to eligible individuals. Access standards and provider practice standards for these services are also defined. These amendments are not definitive of all possible services an MHDS region may provide. An MHDS region may provide other services, and these amendments identify the requirements an MHDS region must meet when its ability to provide other services is determined.

2012 Iowa Acts, chapter 1120, section 15, requires that the Department define regional core services. These amendments provide that MHDS regions must identify and contract with core service providers to ensure adequate access to service providers and that regions must also incorporate this information into their regional service system management plans.

HUMAN SERVICES DEPARTMENT

2:00

Iowa health and wellness plan, 10/30/13 IAB, ARC 1135C, EMERGENCY AFTER NOTICE.

These rules implement the Iowa Health and Wellness Plan, which will provide medical assistance to low-income Iowans aged 19 to 64 whose countable income does not exceed 133 percent of the federal poverty level (FPL) for their family size, who are not eligible for any other full Medicaid group or Medicare, who are not pregnant, and whose dependent children are covered by minimum essential coverage.

These amendments do not include the contributions or premiums required beginning in calendar year 2015 and described under the state legislation. They also do not include the ability to waive these contributions or premiums. The Department is currently finalizing the details of these provisions with the Centers for Medicare and Medicaid Services (CMS). Once CMS approval is obtained, the administrative rules will be amended accordingly. These amendments do not address the specific delivery for dental

services, medical home or accountable care organizations. Once CMS has approved these items and details are developed, they will be added to the rules.

As of October 1, 2013, low-income adults have been able to enroll in a new Medicaid coverage group for benefits that will begin January 1, 2014. Many people currently enrolled in the IowaCare program will be transitioned to the Iowa Health and Wellness Plan on January 1.

SOIL CONSERVATION

No Rep Requested

Water quality initiative. 10/16/13 IAB, ARC 1104C, ADOPTED.

2013 Acts, Senate File 435 created a water quality initiative, including an earmarked fund, in order to assess and reduce nutrients in Iowa's watersheds. The soil conservation division shall establish and administer projects to reduce nutrients in surface waters from nonpoint sources in a scientific, reasonable, and cost-effective manner. The division is mandated to utilize a pragmatic, strategic, and coordinated approach with the goal of accomplishing gradual reductions. Conservation practices which improve water quality on agricultural crop and pasture land are eligible for funds. The practices are identified in the "nutrient reduction strategy" or by the division. Permanent practices eligible for funding include but are not limited to wetlands, bioreactors, and buffers. Management practices eligible for funding include cover crops and living mulches.