



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

THE RULES DIGEST

December
2013**Scheduled for Committee review**
Tuesday, December 10th, 2013
Room #116Reference
XXXVI IAB No. 10(11/13/13)
XXXVI IAB No. 11(11/27/13)**HIGHLIGHTS IN THIS ISSUE:**

<i>Reinvestment Districts Program</i> , Economic Development Authority	1
<i>Prohibited conduct</i> , Educational Examiners	1
<i>Regional mental health and disability services (MHDS)</i> , Human Services Dept.	3

ECONOMIC DEVELOPMENT

9:50

Reinvestment Districts Program, 11/13/13 IAB, ARC 1175C, ADOPTED.

This filing was originally reviewed by the Committee at the September meeting; it was not controversial. These rules implement 2013 Iowa Acts, House File 641; this new program, the Iowa Reinvestment Act, provides certain state hotel and motel and sales use up to \$100 million in new tax revenues to be “reinvested” into designated reinvestment districts. The program allows municipalities to designate an area of up to 25 acres within the corporate boundary as reinvestment districts and to use new tax revenues collected within the district to finance the development of projects within the district. The area must consist of contiguous parcels and not exceed 25 acres in total. Eligible projects must be of a unique nature and must be likely to have a substantial beneficial impact on the economy of the state and the economy of the municipality. At least one of the projects must include a capital investment of at least \$10 million.

Plans will be scored on a 100 point scale. Criteria include: uniqueness: 25 points; economic impact: 25 points; project feasibility: 10 points; capital investment: 10 points; funding leverage: 10 points; nonretail focus: 10 points; additional factors: 10 points, including readiness for development; geographic diversity; and need. To receive funding under the program, a proposed district plan must receive an average score of 70 or more points.

EDUCATIONAL EXAMINERS BOARD

10:00

Prohibited conduct between licensees and former students, 11/13/13 IAB, ARC 1170C, ADOPTED.

This filing was initially reviewed by the Committee in October; it prohibits “romantic” or sexual relationships between licensees and former students for 90 days following the student’s last date of enrollment, if the licensee and the student previously had a direct and supervisory relationship. At the October meeting, agency representatives noted that inappropriate relationships between licensed practitioners and students are the most common basis for ethics complaints received by the board.

The filing adds an additional ethics violation specifically for students no longer enrolled in a school district. In response to feedback on a prior proposal on this subject, the board has reduced the number of days in the proposed amendment from 180 to 90, provided a statutory cross reference defining “sexual conduct,” and narrowed the prohibited conduct.

EDUCATIONAL EXAMINERS BOARD

10:00

Engineering and STEM endorsements, 11/13/13 IAB, ARC 1171C, ADOPTED.

These amendments implement licensure rules to support implementation of Iowa’s Science, Technology, Engineering, and Mathematics (STEM) initiative. The amendments were recommended by of the Governor’s STEM Advisory Council established by Executive Order 74. The proposed amendments, which will create K-8 and 5-8 STEM endorsements, a K-12 STEM specialist, a career and technical license for engineering, and a 5-12 engineering endorsement.

HUMAN SERVICES DEPARTMENT

10:35

Autism support program, 11/13/13 IAB, ARC 1184C, NOTICE.

As part of the state’s mental health and disability redesign process, in 2013 Iowa Acts, Senate File 446, sections 82 to 85 (new Iowa Code chapter 225D), the 2013 Iowa General Assembly established a new Autism Support Program to provide funding for applied behavioral analysis services to children under the age of nine with a diagnosis of autism who are not otherwise eligible for such services through Medicaid or private health insurance. In developing the proposed rules, the Department consulted with an expert panel including parents of children with a diagnosis of autism, providers of services, and other stakeholders. The rules identify financial and diagnostic eligibility

standards, application and authorization processes, provider network qualifications, and appeal processes for the program.

HUMAN SERVICES DEPARTMENT

10:35

Regional mental health and disability services (MHDS), 11/13/13 IAB, ARC 1173C, ADOPTED.

2013 Iowa Acts, Senate File 2315 created regional mental health and disability services (MHDS) service systems. These provisions were initially reviewed by the Committee in September. These provisions define the regional service system, including the regional governance structure and agreements, functional assessment criteria, eligibility, and the regional service system management plan.

Under the Act local access to mental health and disability services for adults is provided either by counties organized into a regional service system or by individual counties. The Department is mandated to encourage counties to enter into a regional system when the regional approach is likely to increase the availability of services to residents of the state who need the services.

The counties create a mental health and disability services region form a Code chapter 28E agreement. Each region is governed by a board consisting of:

- at least one board of supervisors member from each county;
- one individual who utilizes mental health and disability services or is an actively involved relative;
- one member representing service providers.

INSPECTIONS AND APPEALS DEPARTMENT

10:50

Food licensing, 9/18/13 IAB, ARC 1190C, 1191C, ADOPTED.

The Department updates two licensing and regulatory programs relating to the licensing of food establishments: food establishment and plant inspections and food and consumer safety. These filings were reviewed at the Committee's October meeting.

ARC 1190c sets out general regulatory requirements, with much of the necessary detail already set out in statute. Fees are set out in these rules; the fee structure is based on gross sales, and is specifically detailed in the statute, §§137F.6, 137D.2.

Inspections are determined upon risk assessment. Food establishments have routine inspections at least once every 24 months and no more than once every 3 months. Food processing plants are inspected at least once every 24 months and no more than once every 6 months. Hotels are inspected biennially. Home food establishments and vending machines are to be inspected at least once every 24 months.

The actual food services rules appear in ARC 1191C, containing detailed requirements. As authorized in Code Chapter 137F, the Department adopts by reference federal standards; this proposal adopts the 2009 Food Code with Supplement requirement that establishments have a certified food protection manager. This U.S. Food and Drug Administration provision would require that at least one employee take a food safety educational course and pass an examination.

INSURANCE DIVISION

Cemetery regulation, 11/13/13 IAB, ARC 1186C, ADOPTED.

The Division regulates the perpetual care funds used to maintain cemeteries; this rule making re-writes the existing rules; the filing was reviewed by the Committee in October. The fee for an on-site examination of a perpetual care cemetery performed by the division is \$150, and cannot be assessed more than once every five years. The division may also assess actual costs of staff time, travel, meals and lodging expenses in special circumstances, or for investigative examinations for cause, as often as necessary.

A perpetual care fund is intended to remain available perpetually as a funding source for care of the cemetery. The rules set the principle that a care fund shall not be reduced voluntarily and shall remain inviolable, except for the distribution of income.

The rules do encourage investments in appreciating assets that produce higher income levels created by growth in trust principal. The rules allow the use of the total return distribution method, which defines return on investment as including interest, capital gains, dividends and distributions realized over a given period of time.