



Administrative Rules Review Committee

# THE RULES DIGEST

DECEMBER  
2014

**Scheduled for Committee review**  
**FRIDAY, DECEMBER 12, 2014**  
**Senate Committee Room #22**

Reference  
XXXVII IAB No. 10(11/12/14)  
XXXVII IAB No. 11 (11/26/14)

**HIGHLIGHTS IN THIS ISSUE:**

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## HUMAN SERVICES DEPARTMENT

9:10

*Child development homes--emergency contact information, 11/26/14 IAB, ARC 1738C, NOTICE.*

This rulemaking requires that child development home providers have readily accessible accurate emergency contact information regarding the children in care. Presently, there are no administrative rules that require providers to have a paper copy of emergency contact information. When adopted, this rulemaking will supersede a previous rulemaking that was subject to a 70-day delay by the Committee. The delayed rulemaking also related to a requirement that all emergency numbers also be programmed and saved into mobile telephones; this rulemaking removes that requirement.

## ADMINISTRATIVE SERVICES DEPARTMENT

9:20

*Updates:set-off procedures for debts owed to state agencies, 11/26/14 IAB, ARC 1742C, NOTICE.*

Iowa Code §8A.504 creates a procedure for the state to set-off any state claim a person has against any debt that person owes the state or local government. This notice updates current rules; the program has been in place since 2003. Debts include any debt assigned or owed to the department of human services, such as unpaid premiums or child support; student loans; or debts owed to the district court.

## **EDUCATIONAL EXAMINERS BOARD**

9:30

*Substitute authorization--elementary classroom, 11/12/14 IAB, ARC 1720C, ADOPTED.*

This rulemaking expands the authority of the board's substitute authorization for substitute teachers to include the elementary classroom. Currently, the substitute authorization is only available for secondary classrooms. A substitute authorization provides an individual limited authority to act as a substitute teacher in a classroom for no more than 5 consecutive days and no more than 10 days in a 30-day period in one job assignment for a regularly assigned teacher who is absent. To obtain the substitute authorization, an applicant must hold a bachelor's degree. The applicant must also pass a background check and complete a minimum of 15 hours of coursework in classroom management, strategies for learning, diversity, and ethics. Committee members and a public commenter questioned the need for the rulemaking and whether it would have a negative impact on students and existing substitutes; a board representative explained that the board has heard from school superintendents that finding qualified elementary substitutes has become more difficult of late and that this proposal would ease that shortage.

## **EDUCATIONAL EXAMINERS BOARD**

9:30

*Activities administration authorization, 11/12/14 IAB, ARC 1718C, ADOPTED.*

This filing allows an individual with a degree in athletic administration or a related field to serve in the role of an activities director if the individual meets the requirements for an activities administration authorization. Currently, an individual must have a teaching or administrative license to hold this position. This filing was initially reviewed by the ARRC at its September meeting. Committee members questioned why this new authorization was necessary; a board representative explained that it will allow a person to serve as an athletic director who is not a teacher, if they have a relevant degree, such as in sports administration, and meet other requirements. The change was requested by schools and the High School Athletic Association.

**EDUCATIONAL EXAMINERS BOARD/ELECTRICAL  
EXAMINING BOARD/NURSING BOARD/PROFESSIONAL  
LICENSURE**

9:30

*Military reciprocity, 11/12/14, 11/26/14, IAB, ARC 1723C, 1725C, 1734C, 1737C.*

2014 Iowa Acts, Senate File 303 §34, now codified as Iowa Code §272C.4(11)-(13) requires that all licensing boards adopt rules to provide credit towards qualifications for licensure education, training, and service obtained while serving honorably on federal active duty, state active duty, or national guard duty. The Act also provides for the expedited licensing of a veteran who is licensed in another state. If the licensing requirements of the state where the veteran is licensed are substantially equivalent to the licensing requirements of Iowa, the veteran shall be licensed. If the requirements are not substantially equivalent the veteran must be allowed provisional licensing for a period of time to obtain a substantial equivalent to Iowa licensing requirements.

The Attorney General's office has prepared a template which the licensing boards are using as the base for their own regulation. All licensing boards have adopted a version of this template throughout the Fall of 2014; rules must be in place by January 1, 2015.

Each licensing board must file a report with the governor and the general assembly by January 31, 2015, on the substance of rules and procedures adopted to implement reciprocity requirements. The boards must also file a report by January 1, 2015, with the two legislative standing committees on veterans affairs making recommendations related to expanding the professional licensing provisions to include the spouses of veterans.

Beginning December 15, 2016, each board must annually file a report with the governor and the general assembly providing information and statistics on credit received by these individuals for education, training, and service and information and statistics on the licenses and provisional licenses.

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
DEPARTMENT**

10:10

*Mass notification and emergency messaging system, 11/12/14 IAB, ARC 1712C, EMERGENCY.*

This "emergency" filing was approved by the ARRC at its October meeting. 2014 Iowa Acts, Senate File 2349, creates a statewide mass notification and emergency messaging

system. The system will be used by state and local authorities to provide timely notification to the public when an emergency situation is happening that poses a threat to life and property and requires the public to take immediate action. Information disseminated through the system is limited to imminent emergency and public safety-related issues. The department may provide access to the system for use at the state, county and local level. Applications for use may be made on the department's website.

## **INSPECTIONS AND APPEALS DEPARTMENT**

10:20

Subacute mental health services, 11/263/14 IAB, ARC 1740C, ADOPTED.

This rulemaking establishes standards for licensing of subacute care facilities. A subacute mental health facility is licensed and regulated by Iowa Code chapter 135G; it is a controlled access facility providing mental health services for a period exceeding twenty-four consecutive hours. A subacute facility can be a separately licensed portion of another facility.

Subacute mental health services are a comprehensive set of services for persons at imminent risk of having acute or crisis mental health symptoms that do not permit the person to remain in their home; treatment is based on a plan specifically developed for each person. In addition to direct care staff, the facility must have on a 24 hours a day basis an on-call psychiatrist or advanced registered nurse practitioner and a registered nurse with at least two years of experience in psychiatric care, or a BSN registered nurse with at least one year of experience in psychiatric care.

To be admitted a person must be over the age of 18, and have a diagnosable mental, behavioral or emotional disorder. The person must also present two of the following:

- a moderate to high risk of danger to self or others;
- a lack of adequate skills or social support to address mental health symptoms;
- require observation and care for stabilization.

## **IOWA FINANCE AUTHORITY**

10:40

*Fees*, 11/12/14 IAB, ARC 1724C, NOTICE.

This amendment to an existing rule relates to fees charged by the Authority for issuing mortgage credit certificates. The current rule specifies a \$100 participation fee. The amendment

strikes that language and provides in part that: “[t]he authority shall set and post on its Web site annual participation fees...”

Normally government fees are part of an overall regulatory scheme, eg: licensing fees, and must be set out in the rule itself. In this situation, the fee is part of a *commercial*, not a regulatory program. Lenders are not required to participate in the Mortgage Credit Certificate program; it is a voluntary business transaction.