



THE RULES DIGEST

May
2015

Scheduled for Committee review
Friday, May 8, 2015
Room #116

Reference
XXXVII IAB No. 21(04/15/15)
XXXVII IAB No. 22(04/29/15)

HIGHLIGHTS IN THIS ISSUE:

HCBS REIMBURSEMENT RATE, <i>Human Services Department</i>	1
STANDARDS OF PRACTICE—TELEMEDICINE, <i>Medicine Board</i>	2
STATE HISTORIC PRESERVATION TAX CREDITS, <i>Historic Division / Revenue Department</i>	3

HUMAN SERVICES DEPARTMENT

9:10

HCBS reimbursement rate, 04/29/15 IAB, ARC 1977C, ADOPTED.

Current department rules require providers of home- and community-based services (HCBS) to complete a financial cost report for certain HCBS services annually. The report accounts for all direct service and indirect administrative costs incurred by a provider over the previous 12 months of service delivery. The allowable costs in the report are used to establish future reimbursement rates. Staff training costs have historically been considered an indirect administrative expense for cost reporting purposes. For Medicaid rate-setting purposes, indirect administrative costs are limited to 20 % of other costs.

2013 Iowa Acts, Senate File 452, § 12 required the department to adopt rules to treat staff costs as direct costs. When the department was unable to fully fund the requirement in fiscal year 2013-14 and received stakeholder comment urging that implementation be delayed, the department delayed implementation until FY 2014-15. The department then did not implement the requirement in FY 2014-15 when no funds were appropriated for such implementation. In response to a petition for rulemaking, the department proposed a rule that would have implemented the requirement only if the legislature specifically appropriated funds for this purpose in the future.

In response to public comments opposing the proposed rule, the department revised the proposed rule by removing language that would have made its implementation contingent on an appropriation of funds and by limiting the rule only to direct care staff.

The adopted rule now provides that direct care staff training shall be treated as direct care costs, not indirect administrative costs.

EDUCATION DEPARTMENT

9:45

Standards for paraeducator preparation programs, 04/15/15 IAB, ARC 1966C, ADOPTED.

This rulemaking rescinds the current Administrative Code chapter regulating paraeducator preparation programs and adopts a new chapter that is updated to reflect research in student achievement, accountability, and continuous program improvement. The standards in the new chapter more closely align with rules from the Board of Educational Examiners on the issuance of paraeducator certificates. The new chapter was developed by a team of educators, paraeducators, Department of Education staff, and board staff. Compliance with these standards is required and is evaluated during each paraeducator preparation program's initial and periodic reviews. The chapter includes standards for organization and resources, diversity, faculty, program assessment and evaluation, and clinical practice.

MEDICINE BOARD

10:35

Standards of practice—telemedicine, 04/29/15 IAB, ARC 1983C, ADOPTED.

This rule will establish standards of medical practice for medical physicians and osteopathic physicians who use telemedicine, which is the practice of medicine using electronic communication, information technology, or other means of interaction between a licensee in one location and a patient in another location with or without an intervening health care provider.

The standards provide that physicians using telemedicine must have an active Iowa medical license and must utilize evidence-based telemedicine practice guidelines if available. The rule also includes requirements relating to standards of care and professional ethics, the physician-patient relationship, medical history and physical examination, nonphysician health care providers, follow-up care, emergency services, medical records, privacy and security, and technology and equipment.

The board made various revisions to the proposed rule in response to public comments. The adopted rule clarifies that a physician-patient relationship can be established under some circumstances involving a telemedicine encounter with a patient and that an in-person interview and in-person physical examination, while

generally required, may not be necessary for diagnosis and provision of care in certain specified circumstances. Except for such circumstances, the adopted rule prohibits prescribing medications based solely on an internet-based request.

HISTORIC DIVISION / REVENUE DEPARTMENT

10:50

State historic preservation and cultural and entertainment district tax credits, 04/15/15 IAB, ARC 1970C and 1968C, ADOPTED.

These two rulemakings implement updates from 2014 Iowa Acts, House File 2453, to the State Historic Preservation and Cultural and Entertainment District Tax Credit Program, which is administered by the Department of Cultural Affairs with assistance from the Department of Revenue. The program provides a state income tax credit for the sensitive rehabilitation of historic buildings. The program provides an income tax credit of 25% of qualified rehabilitation costs.

The rulemakings provide rules for projects for which applications were approved and tax credits were reserved prior to July 1, 2014, and separate rules for subsequent projects. The rulemakings include transition provisions and application, registration, evaluation, agreement, and compliance processes.

The departments made various revisions to the proposed rules in response to public comments, including changes to language relating to the types of property and services that are eligible for the credits and the length and requirements of the closing period that applicants have between registration and entering into an agreement. In response to concerns that language in the proposed rules relating to qualified rehabilitation expenditures was more restrictive than federal law regarding expenditures paid for with other public financing, the Department of Revenue removed the language in question and instead included statutory language that clarifies that projects are permitted to receive the state credit for expenses paid for with other public dollars if federal law permits the projects to receive the federal credit on those expenses. The department provides additional guidance for projects to which the federal law does not apply.