



THE RULES DIGEST

November
2015

Scheduled for Committee review
Tuesday, November 10, 2015
Room #116

Reference
XXXVIII IAB No. 8 (10/14/15)
XXXVIII IAB No. 9 (10/28/15)

HIGHLIGHTS IN THIS ISSUE:

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Insurance Division

9:50

Prior authorization—prescription drug benefits, 10/28/15 IAB, ARC 2228C, NOTICE.

These proposed rules describe the requirements for prior authorization for prescription drug benefits pursuant to Iowa Code section 505.26. The rules provide prior authorization protocols and filing requirements. Iowa Code section 505.26 requires the Commissioner of Insurance to adopt rules to provide for a single prior authorization form and prior authorization process for approval of prescription drug benefits by health carriers and pharmacy benefits managers. The rules implement 2015 Iowa Acts, HF632, section 9, which requires the commissioner to adopt rules that provide requirements, not to exceed seventy-two hours for urgent claims and five calendar days for non-urgent claims, for a health carrier or pharmacy benefits manager to respond to a health care provider's request for prior authorization of prescription drug benefits or to request additional information from a health care provider concerning such a request.

Racing and Gaming Commission

11:00

Iowa greyhound pari-mutuel racing fund, 10/14/15 IAB, ARC 2198C, ADOPTED.

This rule establishes the Iowa Greyhound Pari-Mutuel Racing Fund pursuant to 2014 Iowa Acts, SF 2362. The rule establishes criteria for annual distributions of money from the fund. Fifty percent of the money in the fund will be distributed to the Iowa Greyhound Association. Additional one-time payments will be made to greyhound adoption agencies,

greyhound kennel owners, trainers, assistant trainers, and industry participants who are able to demonstrate financial hardship caused by the closing of the pari-mutuel dog racetrack located in Pottawattamie County. The rule establishes criteria and a distribution formula for any money remaining in the fund after such one-time payments have been made. The department will retain money to cover administrative expenses for the fund. The rule also provides for an application process for one time payments to be provided if live greyhound racing should cease in Dubuque County in or after calendar year 2015 but prior to 2022. The first of the annual payments will be distributed no later than April 2017 with payment each year following in April. The last payment will be distributed in April 2022.

In response to public comments received by the commission, the commission made various changes to the language in its noticed rule. Changes include an increase in the cap on the amount allowed for a hardship case to \$100,000, removal of certain application procedures, a modification of the distribution formula payments of moneys remaining after one time payments occur, a limitation of distributions to breeders to breeders who whelped and raised the greyhound for the first six months of the greyhound's life in Iowa, and a limitation of individual fund recipients to receiving no more than \$3 million over the life of the fund.

Environmental Protection Commission

11:20

Application fees for construction and operation of air pollution emitting equipment; fees for asbestos notifications, 10/28/15 IAB, ARC 2222C, NOTICE.

Pursuant to 2015 Iowa Acts, SF 488, these proposed rules establish application fees for permits under Title V of the federal Clean Air Act for the construction and operation of air pollution emitting equipment and fees for asbestos notifications pursuant to.

Industries that are already permitted and make no changes triggering the requirement for a modification to an existing construction permit will not have to pay a construction permit application fee. The proposed rules and associated fees will apply to industries only when they add new equipment or modify existing equipment that emits regulated air pollutants and to industries required to obtain a Title V operating permit.

The rules include the types of application and notification fees and the requirements to pay them; the dollar cap for each fee and the process for establishing fees in the fee schedule; limitations on how fee revenues may be expended; and requirements for the Department of Natural Resources (DNR) to meet annually with each fee advisory group.

The Title V emission dollar-per-ton cap is proposed to be increased to \$70 per ton to reflect the estimated program expenses associated with projected actual emissions for FY 2017.

The proposed rules clarify DNR's current practice of excluding greenhouse gases from annual Title V air emissions fees by adding "greenhouse gases" to the list of regulated pollutants that are excluded from Title V air emissions fees.

The proposed rules set a flat fee for new source review applications from minor sources, including registration permits, permit by rule, and permit templates; and for asbestos notifications. In addition, the rules propose to assess billable, hourly review fees during the application review process for new source review applications for major sources and for applications for initial and renewal Title V operating permits.

DNR will conduct a study to measure the time and cost of application review and permit issuance for new source review and operating permits. DNR will provide periodic reports regarding the progress of the study and will provide the results of this study to the fee advisory groups.

Following public comment and public hearings, the commission intends to file these rules emergency after notice.

Education Department

1:05

School district and accredited nonpublic school stock epinephrine auto-injector voluntary supply, 10/14/15 IAB, ARC 2183C, NOTICE.

This proposed rule permits school districts and accredited nonpublic schools to stock an epinephrine auto-injector supply, as provided in 2015 Iowa Acts, SF 462. Stocking a supply is voluntary for schools. Epinephrine auto-injectors are disposable devices designed for immediate self-administration or administration by another trained individual of a measured dose of epinephrine to a student or individual at risk of anaphylaxis.

The rule provides for the prescription for epinephrine auto-injectors from a licensed health care professional annually in the name of a school district or accredited nonpublic school, the provision or administration of an auto-injector from the supply if authorized personnel or a school nurse reasonably and in good faith believes a student or individual is having an anaphylactic reaction, training of school personnel, procurement and maintenance of the supply, and required reporting to emergency medical services and the department.

Education Department

1:05

Intensive summer literacy programs, 10/14/15 IAB, ARC 2186C, NOTICE.

This proposed rule establishes criteria and guidelines for implementation of intensive summer literacy programs by school districts as required by Iowa Code section 279.68. The criteria and guidelines are based on the work and recommendations of a task team convened by the Iowa Reading Research Center. The rule includes criteria for instructional practices or programs, instructor qualifications, instruction time, class and group size, student attendance, program evaluation, successful program completion, and program leadership and administration.

Education Department

1:05

Smarter Balanced Assessments, 10/14/15 IAB, ARC 2185C, NOTICE.

This proposed rule provides that at least one of the districtwide assessments used to measure student progress in core academic indicators in reading and math shall be the assessment developed by the Smarter Balanced Assessment Consortium (SBAC). The rule provides that the department shall select a vendor to administer SBAC through a request-for-proposal process.

Iowa Code section 256.7(21)“b”(3) required the director of the department to establish an assessment task force to review and make recommendations for a statewide assessment of student progress on core academic indicators. Such an assessment is required pursuant to Iowa Code section 256.7(21)“b”(2). On December 31, 2014, the task force recommended the assessment developed by SBAC:

<https://www.educateiowa.gov/sites/files/ed/documents/2014-12-31AssessmentTaskForceReport.pdf>

The rule requires the task force to review SBAC administration and make a further recommendation pursuant to Iowa Code section 256.7(21)“b”(3) on or before June 30, 2020.