



THE RULES DIGEST

December
2015

Scheduled for Committee review
Tuesday, December 8, 2015
Room #116

Reference
XXXVIII IAB No. 10 (11/11/15)
XXXVIII IAB No. 11 (11/25/15)

HIGHLIGHTS IN THIS ISSUE:

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Alcoholic Beverages Division

9:15

Filling and selling of beer in a container other than the original container, 11/25/15 IAB, ARC 2255C, NOTICE.

These proposed rules establish guidelines for class “C” beer permit holders to fill, refill, and sell beer in a container (called a growler) other than the original container, pursuant to 2015 Iowa Acts, SF 456, and SF 510, § 14. The rules include filling and refilling requirements, sealing requirements, and restrictions for the filling, refilling, and selling of beer in a growler. A growler is limited to 72 ounces in size, can only be sold in person, and can only be filled or refilled at the time of sale.

The proposed rules define a “growler” as any fillable and sealable glass, ceramic, plastic, aluminum, or stainless steel container designed to hold only beer or high alcoholic content beer.

If all legal requirements are met, a growler shall not be deemed an open container, provided the sealed growler is unopened and the seal has not been tampered with and the contents of the growler have not been partially removed.

Educational Examiners Board

9:35

Licensure fees—\$4 increase, 11/11/15 IAB, ARC 2229C, ADOPTED.

This rulemaking increases all board licensure fees by \$4. The board anticipates increased expenses that will exceed existing revenue in future fiscal years if its revenues are not increased. 2015 Iowa Acts, HF 658 transferred \$600,000 from the board to the

Department of Education, leaving the board with a cash balance of approximately \$550,000 to start fiscal year 2016.

Voter Registration Commission

11:05

Request for voter registration list—definition of “political purposes,” 11/25/15 IAB, ARC 2261C, NOTICE.

This proposed rule defines the term “political purposes” under Iowa Code section 48A.39. Iowa Code section 48A.39 provides that information about individual registrants obtained from voter registration records shall be used only to request the registrant’s vote at an election, or for another genuine political purpose, or for a bona fide official purpose by an elected official, or for bona fide political research, but shall not be used for any commercial purposes.

The rule defines “political purposes” as research, advocacy, or education relating to the election, administration, or governance of public policies or officials.

Corrections Department

11:25

Iowa Prison Industries, 11/25/15 IAB, ARC 2256C, ADOPTED.

These amendments make a variety of changes to the department’s rules on Iowa Prison Industries. The amendments update rules on matters such as addresses, hours of operation, and location of product catalogs. The amendments also specify that products may be sold to contractors when the products will be sold to a public entity, adopt by reference the provisions of Department of Administrative Services rules dealing with procurement of goods and services, and define “wage range” as the wage paid that is commensurate to wages paid to persons in similar jobs outside the correctional institution.

Revenue Department

12:00

Qualification for manufacturing exemption, 11/11/15 IAB, ARC 2239C, AMENDED NOTICE.

This rulemaking amends rules relating to the manufacturing sale and use tax exemptions found in Iowa Code sections 423.3(47) and 423.3(48) and to the definitions of several applicable terms, including but not limited to definitions for tax-exempt “computers,” “machinery,” “equipment,” “replacement parts,” and “materials used to construct or self-construct computers, machinery, or equipment.” The rulemaking also amends rules on the treatment of these tax-exempt items as they relate to the taxation of

construction activities under Iowa Code sections 423.2(1)(b) and 423.2(1)(c). Under the department's current rules, many of these items could be considered real property and taxed as building materials when purchased in furtherance of a construction contract, thereby making them ineligible for the manufacturing sales and use tax exemption. The proposed amendments eliminate this distinction and provide that the items will be eligible for the manufacturing sales and use tax exemption.

This amended notice revises the applicability date of this rulemaking. The rulemaking is prospective and will only apply to sales occurring as part of a contract entered into on or after July 1, 2016. The applicability date in the previous notice of intended action was January 1, 2016. The amended notice also announces a public hearing on this rulemaking on December 1, 2015.

Human Services Department

1:30

Intellectual disability waiver services cost-savings initiative, 11/11/15 IAB, ARC 2243C, NOTICE TERMINATED.

These proposed amendments would have implemented a cost-savings initiative for the Medicaid program. The amendments would have capped the monthly cost of all intellectual disability (ID) waiver services provided to a member (other than home and vehicle modifications) at the maximum monthly cost of services in an intermediate care facility for persons with intellectual disabilities. The amendments would have required an amendment to the ID waiver approved application from the Centers for Medicare and Medicaid Services.

Human Services Department

1:30

Implementation of Medicaid modernization initiative, 11/11/15 IAB, ARC 2242C, NOTICE.
Managed care, 11/11/15 IAB, ARC 2241C, NOTICE.

These proposed rules implement managed care for Iowa's Medicaid program pursuant to 2015 Iowa Acts, SF 505. Under these rules, HAWK-I members, Iowa Health and Wellness members, and the majority of Medicaid members will have their services coordinated through a managed care organization.

The rules include requirements for managed care organizations to participate in a contract with the department, enrollment and disenrollment procedures, identification of covered services, access to services and consumer choice of providers, the member appeal and grievance process, record management and documentation, claims payment, quality

assurance and program integrity, removal of existing language made obsolete by managed care, and other matters.

The department plans to implement managed care beginning January 1, 2016. The department will file these rules Emergency After Notice in order to meet the January 1, 2016 implementation date.

The department will hold public hearings on these rules on December 2 and December 4.