



THE RULES DIGEST

January
2016

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

Reference
XXXVIII IAB No. 12 (12/09/15)
XXXVIII IAB No. 13 (12/23/15)

HIGHLIGHTS IN THIS ISSUE:

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Human Services Department

9:10

Family investment program hardship exemption—removal of exclusion for families with qualified children and a nonqualified alien adult member, 12/09/15 IAB, ARC 2272C, ADOPTED.

This rulemaking will allow a family that includes an adult who is a nonqualified alien to apply for and receive Family Investment Program (FIP) assistance for more than 60 months for the family's children who are U.S. citizens or qualified aliens if the family meets hardship criteria and all other FIP eligibility criteria. The rulemaking complies with a district court ruling that denying such persons assistance for more than 60 months violates their constitutional rights.

Iowa Public Employees' Retirement System

9:40

Contribution rates; death and disability benefits; Section 125 plans; termination of employment; qualified domestic relations orders; alternate payees, 12/23/15 IAB, ARC 2331C, NOTICE.

In this rulemaking, IPERS makes various revisions and updates to its rules, including but not limited to implementing contribution rates for regular and special service members beginning July 1, 2016; updating rules regarding leased employees; requiring certification by employers that certain retirement plans meet all Internal Revenue Code requirements; updating language regarding reinstatement following an involuntary termination and the taking of a refund; clarifying acceptable proof of death for beneficiary payments and alternate payees; clarifying preretirement death benefits payable to inactive members' beneficiaries; conforming IPERS with certain Internal Revenue Service

reporting requirements; clarifying matters relating to qualified domestic relations orders; and updating terms to be consistent with IPERS' practice in appeals.

Pharmacy Board

10:20

Pharmacy practice—prescribing epinephrine auto-injectors in the name of a facility, 12/09/15 IAB, ARC 2288C, NOTICE.

This rule implements 2015 Iowa Acts, Senate File 462, which authorizes the prescribing of epinephrine auto-injectors in the name of a certain facilities, a school district, or an accredited nonpublic school. 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 excludes such a prescription from the requirement for a preexisting patient-prescriber relationship and establishes the unique prescription label and record-keeping requirements for such a prescription.

Pharmacy Board

10:20

Temporary designation of controlled substances, 12/09/15 IAB, ARC 2287C, NOTICE.

This proposed rule temporarily designates certain substances as controlled substances, subject to the applicable security and control requirements and penalties provided for in the Iowa Controlled Substances Act (CSA) in conformance with recent scheduling actions of the federal Drug Enforcement Administration. The substances include three synthetic cannabinoids and acetyl fentanyl, all of which are temporarily placed into Schedule 1 of the CSA. Synthetic cannabinoids are chemicals synthesized in laboratories and mimic the biological effects of THC, the main psychoactive ingredient in marijuana. Acetyl fentanyl is a synthetic opioid. These substances have been linked to severe health effects and have no approved medical use in the United States.

Under Iowa Code section 124.201(4), these temporary designations will be automatically nullified if they are not enacted by the General Assembly in the first 60 days of the 2016 legislative session.

The rule also removes naloxegol from control under the CSA, as the federal Food and Drug Administration recently approved it for a specific medical purpose.

Public Health Department

10:50

Swimming pools—use for commercial purposes, 12/09/15 IAB, ARC 2279C, ADOPTED.

This rulemaking implements 2015 Iowa Acts, SF 510, § 97 by providing that a residential swimming pool used for private swimming lessons for over 207 hours in a calendar month, or the number of hours prescribed by an applicable local ordinance, whichever is greater, shall be considered a public swimming pool.

This matter was the subject of a special review by the committee in April 2015.

Public Health Department

10:50

Vital records—fees, access, searches and issuance of certified copies, confidentiality, 12/09/15 IAB, ARC 2275C, ADOPTED.

These rules continue the department's efforts to allow for processing through the electronic statewide vital records system and implement 2015 Iowa Acts, House File 662, by removing the requirement that a fee be charged for all searches of vital records when no record is found and no copy is issued and allowing county registrars access to all birth records available in the electronic vital records system.

The department made certain changes to the noticed rules based on comments received from the committee. One revision provides that if a search is conducted and no record is on file, the state registrar or county registrar may retain the fee for the search. Additionally, a clarification was added indicating the reasons why the state registrar could refuse an affidavit of non-receipt and requiring the state registrar to provide written notice to the registrant of the reason and intention to refuse the affidavit.

Education Department

1:00

School district and accredited nonpublic school stock epinephrine auto-injector voluntary supply, 12/09/15 IAB, ARC 2311C, ADOPTED.

This rule implements 2015 Iowa Acts, Senate File 462, which permits school districts and accredited nonpublic schools to stock an epinephrine auto-injector supply. Stocking a supply is voluntary for schools.

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.

In response to a public comment, the department has clarified the rule so that it only applies to attendance centers in which students or other individuals are present.

Education Department

1:00

Smarter Balanced Assessments, 12/09/15 IAB, ARC 2312C, ADOPTED.

This 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.