



Administrative Rules Review Committee

THE RULES DIGEST

March
2016

Scheduled for Committee review
Friday, March 4, 2016
Room #116

Reference
XXXVIII IAB No. 16 (02/03/16)
XXXVIII IAB No. 17 (02/17/16)
XXXVIII IAB No. 18 (03/02/16)

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Human Services Department

9:10

Habilitation and brain injury and intellectual disability waiver programs—prevocational and supported employment services, 02/03/16 IAB, ARC 2380C, AMENDED NOTICE.

These proposed amendments implement changes in employment service definitions as provided by the federal Centers for Medicaid and Medicare Services. The amendments also change the provider qualifications, scope of services, duration, limitation, and reimbursement methodologies for the home- and community-based services prevocational and supported employment services within the habilitation services program and the intellectual disability and brain injury waivers.

In response to significant public comment, the department has made various changes to the proposed amendments, including changes relating to hours of staff credentialing, hiring qualifications, employment training, time limits for prevocational services, career exploration activities, volunteer opportunities and programs, job stabilization, self-employment, long-term job coaching, and age restrictions.

Alcoholic Beverages Division

9:25

Filling and selling of beer in a container other than the original container, 02/03/16 IAB, ARC 2282C, ADOPTED.

These 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, Senate File 456 and Senate File 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 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.

Office of the Chief Information Officer

9:30

Organization and other administrative matters, 03/02/16 IAB, ARC 2421C, NOTICE.

These proposed rules provide for the organization and operation of the Office of the Chief Information Officer created by 2013 Iowa Acts, Senate File 396. The purpose of the office is to lead, direct, manage, coordinate, and provide accountability for the information technology resources of state government and for coordinating statewide broadband availability and access.

The proposed rules cover the organization of the office, public records and fair information practices, petitions for rulemaking, declaratory orders, rulemaking procedures, and contested case procedures.

Iowa Public Employees' Retirement System

10:20

Contribution rates; death and disability benefits; Section 125 plans; termination of employment; qualified domestic relations orders; alternate payees, 02/17/16 IAB, ARC 2402C, ADOPTED.

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.

Labor Services Division

10:25

Standards for amusement rides and devices, concession booths, and bungee jump operations, 03/02/16 IAB, ARC 2428C, ADOPTED.

These amendments rescind and replace rules governing amusement rides and devices. Current rules have seen only minor modifications in the past 40 years and are obsolete. The amendments adopt by reference ASTM Standards on Amusement Rides and Devices, which are national consensus standards developed with input from the amusement ride and device industry and are flexible to cover new equipment. Separate standards specific to tramways and a new chapter for bungee jumping are also adopted.

The amendments also clarify the scope of jurisdiction over amusement devices and concession booths; set forth procedures for owners to perform the required annual inspections in limited circumstances; set minimum standards for employees of amusement operations; codify existing practices for many administrative functions; set forth procedures for denial, termination, suspension, or revocation of an operating permit or sticker; set forth procedures for leasing covered equipment; and conform to various statutory provisions.

Pharmacy Board

11:00

Temporary designation of controlled substances, 02/17/16 IAB, ARC 2407C, ADOPTED.

This 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.

Insurance Division

1:00

Pharmacy benefits managers, 03/02/16 IAB, ARC 2433C, NOTICE.

These proposed amendments concern the division's regulation of pharmacy benefit managers pursuant to Iowa Code chapter 510B. The amendments implement 2015 Iowa Acts, House File 395, incorporate findings in a federal district court case that has since been appealed, and revise the duties of pharmacy benefit managers as they relate to the division and the commissioner's administration of Iowa Code chapter 510B.

Secretary of State

1:20

Safe at home program, 02/17/16 IAB, ARC 2416C, NOTICE.

These proposed rules implement the Safe at Home Program as enacted by 2015 Iowa Acts, Senate File 585. The program provides a process for a victim of certain crimes to maintain the confidentiality of their address by substituting an alternate address for purposes of voter registration and receiving mail.

The proposed rules describe the manner and process for program participant certification renewal and recertification, cancellation of program certification, the manner and process for changing program participant voter registration information, and the manner and process for cancellation of program participant absentee ballot voting through the program.

Voter Registration Commission

1:30

Online voter registration, 02/03/16 IAB, ARC 2376C, EMERGENCY AFTER NOTICE.

These amendments establish procedures for the use of electronic signatures on file with the Iowa Department of Transportation (DOT) to be used in subsequent online voter registration transactions. Such registrations would be conducted via the DOT's website.

Professional Licensure Division

1:50

Minimum standards for appropriate supervision of a physician assistant by a physician, 02/17/16 IAB, ARC 2417C, NOTICE.

These proposed amendments establish rules governing the supervision of physician assistants by physicians. 2015 Iowa Acts, Senate File 505, section 113 required the Board of Medicine and the Board of Physician Assistants to jointly adopt rules to establish specific minimum standards or a definition of supervision for appropriate supervision of physician assistants by physicians. SF 505 required both boards to file notices of intended action on this subject by February 1. This rulemaking is the Board of Physician Assistants' notice. The Board of Medicine's notice and an unedited drafted of the Board of Physician Assistants' notice were reviewed at the committee's February meeting. A previous rulemaking by the Board of Physician Assistants on this matter was subject to a session delay by the committee in April 2015 and was subsequently rescinded as authorized by the committee.

These amendments include provisions relating to face-to-face meetings, mutual assessment of qualifications, communication, quarterly and annual reviews, delegated services, timely consultation, alternate supervision, and failure to supervise.

The jointly adopted rules can only be amended with the agreement of both boards and cannot be waived.