



Administrative Rules Review Committee

THE RULES DIGEST

May
2016

Scheduled for Committee review
Tuesday, May 10, 2016
Room #116

Reference
XXXVIII IAB No. 20 (03/30/16)
XXXVIII IAB No. 21 (04/13/16)
XXXVIII IAB No. 22 (04/27/16)

HIGHLIGHTS IN THIS ISSUE:

TITLE GUARANTY DIVISION, <i>Iowa Finance Authority</i>	1
PHARMACY BENEFITS MANAGERS, <i>Insurance Division</i>	2
ANIMAL FEEDING OPERATIONS, <i>Environmental Protection Commission</i>	2

Human Services Department

9:10

Record check evaluations for certain employers and educational training programs—deferred judgment, 04/27/16 IAB, ARC 2504C, NOTICE.

These proposed amendments add a definition for “deferred judgment” to the department’s rules on record checks and specify that deferred judgments will be considered in criminal background checks. The rules apply to personnel employed by health care facilities and other programs and for students in educational training programs for nurses and certified nurse aides.

The amendments state that “deferred judgment” means the same as defined in Iowa Code §907.1 and is considered an admission of committing an act. The amendments further state that the admission of committing an act must be considered a conviction for purposes of public protection.

Iowa Finance Authority

10:25

Title guaranty division, 04/27/16 IAB, ARC 2506C, ADOPTED.

This rulemaking strikes and rewrites the authority’s rules for its Title Guarantee Division. The division’s rules are reorganized, updated, and aligned with statutory authority and current practice. The process for obtaining a title plant waiver is revised. The division prepared a regulatory analysis of this rulemaking in response to a request from the Iowa Land Title Association pursuant to Iowa Code §17A.4A, which was published in the November 25, 2015 Administrative Bulletin.

The authority made a variety of changes to the noticed language in response to public comments, including adding a definition of abstractor, changes in terminology, and changes to criteria for granting a title plant waiver.

Transportation Department

11:40

Adopt-a-highway program—sponsor compliance with nondiscrimination laws, 04/13/16 IAB, ARC 2487C, NOTICE.

This proposed amendment requires eligible sponsors for the Adopt-a-Highway Program to comply with all applicable laws prohibiting discrimination based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability.

Insurance Division

11:55

Pharmacy benefits managers, 04/27/16 IAB, ARC 2518C, ADOPTED.

These amendments concern the division's regulation of pharmacy benefit managers pursuant to Iowa Code chapter 510B. The amendments implement 2015 Iowa Acts, HF 395, incorporate findings in a federal district court case relating to these rules and the statutory provisions they implement, and revise the duties of pharmacy benefit managers as they relate to the division and the commissioner's administration of chapter 510B. The division notes that the federal case, which is currently under appeal, did not prohibit the division from moving forward with this rulemaking.

The division made a variety of changes to the noticed language in response to public comments, including changes relating to complaints, the appeal process, and confidential information.

Environmental Protection Commission

12:05

Animal feeding operations, 04/13/16 IAB, ARC 2496C, NOTICE.

This rulemaking makes a variety of changes to the commission's rules on animal feeding operations.

The rulemaking implements four pieces of legislation: 2012 Iowa Acts, SF 2172 (swine farrowing and gestating operations); 2012 Iowa Acts, HF 2292 (fish production facilities); 2013 Iowa Acts, House File 512 (small animal feeding operations); and 2015 Iowa Acts, House File 583 (animal truck wash facilities).

The rulemaking allows solids from open feedlot operations to be regulated by the Department of Agriculture and Land Stewardship as bulk dry animal nutrient products.

The rulemaking also clarifies requirements in rules and rescinds unnecessary and outdated rules, lists, and Internet addresses as part of Department of Natural Resources' five-year rules review plan pursuant to Iowa Code §17A.7(2). Some of the proposed changes include a revised version of the definition of "public use area;" an updated listing of Iowa lakes; clarification regarding which structures are to be used for measuring separation distances; clarification of the scope of any landowner waiver of a separation distance; and additional language regarding NPDES permit requirements to be consistent with federal regulations.

The commission has scheduled six public hearings on this rulemaking across the state on May 23 - June 3.