



Administrative Rules Review Committee

# THE RULES DIGEST

June  
2016

**Scheduled for Committee review**  
Tuesday, June 14, 2016  
Room #116

Reference  
XXXVIII IAB No. 19 (03/16/16)  
XXXVIII IAB No. 23 (05/11/16)  
XXXVIII IAB No. 24 (05/22/16)

**HIGHLIGHTS IN THIS ISSUE:**

MENTAL HEALTH ADVOCATES, <i>Human Services Department</i>	1
STANDARDS FOR SUPERVISION OF PHYSICIAN ASSISTANTS, <i>Professional Licensure Division and Medicine Board</i>	3
BROADBAND INFRASTRUCTURE PROPERTY TAX EXEMPTION, <i>Revenue Department</i>	4

## Human Services Department

9:10

*Mental health advocates*, 03/16/16 IAB, ARC 2438C, HELD OVER FROM APRIL.

These rules establish standards for mental health advocates who provide services under Iowa Code chapter 229, as amended by 2015 Iowa Acts, House File 468. Prior to July 1, 2015, mental health advocates were appointed by the judicial branch and paid by the counties. HF 468 made mental health advocates county employees effective July 1, 2015. Prior to July 1, 2015, procedures varied from judicial region to judicial region and from county to county. These rules establish statewide requirements for hiring the advocate and for performance standards. The rules include standards for definitions, appointment and qualifications, assignments, advocate and county responsibilities, data collection requirements, and quality assurance.

At the committee's April meeting, the committee placed a 70-day delay on a portion of this rulemaking, rule 441—25.106 relating to data collection, and scheduled additional review for the June meeting. Committee members questioned the purpose of collecting the data described in the rule, how the data would be used, the cost of collecting the data, and whether such data collection should be retroactive. The rest of ARC 2438C became effective on May 1.

## **Human Services Department**

9:10

*Process for approving subacute mental health care facility licensing applications to the department of inspections and appeals, 05/25/16 IAB, ARC 2550C, NOTICE.*

These proposed rules establish the process by which the Department of Human Services (DHS) will approve licensing applications to the Department of Inspections and Appeals (DIA) for subacute mental health care facilities. The rules also establish the process to determine the disbursement of 75 beds to the most qualified providers.

Under Iowa Code chapter 135G, DIA is responsible for licensing subacute care facilities, and DHS must approve the licensing application based on the established process, which must identify the most qualified providers and geographically disburse no more than 75 beds.

Subacute services are one of the additional core services to be provided by Mental Health and Disability Services (MHDS) regions when public funds become available. Some MHDS regions and providers are interested in developing subacute services provided in a subacute care facility.

## **Human Services Department**

9:10

*Child care centers, 05/25/16 IAB, ARC 2554C, NOTICE.*

*Child development homes, 05/25/16 IAB, ARC 2553C, NOTICE.*

*Child care homes, 05/25/16 IAB, ARC 2552C, NOTICE.*

*Child care assistance eligibility—in-home care, nonregistered providers, 05/25/16 IAB, ARC 2551C, NOTICE.*

These four filings contain proposed rules to implement changes to the federal Child Care and Development Block Grant (CCDBG), which was reauthorized in November 2014. As a result of the changes, there are new federal laws outlining health, safety, and fire standards for child care providers that receive child care assistance dollars.

ARC 2553C strikes and rewrites requirements for child care providers that receive subsidy dollars and are required by state law to register with the department to provide child care. ARC 2552C outlines new requirements for child care providers that receive subsidy dollars but are not required by state law to register with the department. ARC 2554C and 2551C include additional conforming amendments relating to the CCDBG, as well as other technical changes and updates to the department's rules on child care providers.

## **Office of the Chief Information Officer**

9:45

*Organization and other administrative matters, 05/25/16 IAB, ARC 2542C, ADOPTED.*

These rules provide for the organization and operation of the Office of the Chief Information Officer (OCIO) 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 rules cover the organization of OCIO, public records and fair information practices, petitions for rulemaking, declaratory orders, rulemaking procedures, and contested case procedures.

In response to feedback from the committee, OCIO made changes to the noticed language relating to confidential records and public records requests.

## **Professional Licensure Division**

10:10

*Specific minimum standards for appropriate supervision of a physician assistant by a physician, 05/11/16 IAB, ARC 2531C, AMENDED NOTICE.*

*and*

## **Medicine Board**

10:40

*Specific minimum standards for appropriate supervision of a physician assistant by a physician, 05/11/16 IAB, ARC 2532C, ADOPTED.*

These two filings establish minimum standards for appropriate supervision of a physician assistant by a physician. 2015 Iowa Acts, Senate File 505, §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. These filings contain the rules jointly approved by both boards. The Board of Medicine has adopted its filing, while the Board of Physician Assistants' filing is an amended notice.

The filings contain the same requirements and include provisions concerning face-to-face meetings, mutual assessment of qualifications, communication, review of a representative sample of a physician assistant's charts by a supervising physician, delegated services, timely consultation, alternate supervision, and failure to supervise. Once adopted by both boards, the rules can only be amended or waived with the agreement of both boards.

## **Secretary of State**

11:05

*Safe at home program, 05/25/16 IAB, ARC 2538C, ADOPTED.*

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

The 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.

## **Revenue Department**

11:35

*Broadband infrastructure property tax exemption, 05/25/16 IAB, ARC 2549C, ADOPTED.*

These rules implement the broadband infrastructure property tax exemption enacted by 2015 Iowa Acts, HF 655, §40, codified at Iowa Code §427.1(40). The rules allow a property tax exemption for the installation of broadband infrastructure that meets certain requirements. The rules include the method of calculation for the exemption and procedures for application, revocation, and appeals.

## **Natural Resource Commission**

12:10

*Waterfowl and coot hunting seasons, 05/11/15 IAB, ARC 2526C, ADOPTED.*

These rules revise the season dates for waterfowl and coots for the 2015-2016 hunting season. The rules comply with regulations by the federal Fish and Wildlife Service. The rules ensure that the seasons open on different weekends and that an experimental special September teal season is continued for a third year. The rules also expand the existing Missouri River zone south along I-29 to the Missouri border beginning in the 2017-2018 hunting season. The commission made several changes to the light and dark goose seasons proposed in the noticed rules.