



# THE RULES DIGEST

August  
2016

**Scheduled for Committee review**  
Friday, August 5, 2016  
Room #116

Reference  
XXXVIII IAB No. 1 (07/06/16)  
XXXVIII IAB No. 2 (07/20/16)  
XXXVIII IAB No. 3 (08/03/16)

**HIGHLIGHTS IN THIS ISSUE:**

PRACTICE OF TATTOOING, <i>Public Health Department</i>	3
MANUFACTURING—TAX EXEMPTIONS, <i>Revenue Department</i>	5
ALCOHOL BAN AT BEACHES IN LAKE MACBRIDE STATE PARK AND PLEASANT CREEK STATE RECREATION AREA, <i>Natural Resource Commission</i>	5

## Human Services Department

9:15

*Record check evaluations for certain employers and educational training programs—deferred judgment, 07/06/16 IAB, ARC 2604C, ADOPTED.*

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

## Human Services Department

9:15

*Process for approving subacute mental health care facility licensing applications to the department of inspections and appeals, 08/03/16 IAB, ARC 2637C, ADOPTED.*

These 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**

9:15

*Child care centers, 08/03/16 IAB, ARC 2646C, ADOPTED.*

*Child development homes, 08/03/16 IAB, ARC 2647C, ADOPTED.*

*Child care homes, 08/03/16 IAB, ARC 2648C, ADOPTED.*

*Child care assistance eligibility—in-home care, nonregistered providers, 08/03/16 IAB, ARC 2649C, ADOPTED.*

These four filings contain 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 2647C 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 2648C outlines new requirements for child care providers that receive subsidy dollars but are not required by state law to register with the department. ARC 2646C and 2649C 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.

The department made changes to the noticed language in response to feedback, including changes relating to health and safety training and items used for sleeping.

## **Education Department**

10:00

*Individual career and academic plan, 07/20/16 IAB, ARC 2627C, NOTICE, also ARC 2620C, FILED EMERGENCY.*

These double-barreled filings implement 2016 Iowa Acts, House File 2392 by establishing that each student enrolled in grade eight shall have developed by the school district an individualized career and academic plan and that such a plan shall be

reviewed and revised each succeeding year until the graduation of that student. The proposed rules provide for requirements and essential components of the individualized career and academic plans, written career guidance plans for school districts, career information and decision-making systems for school districts, and compliance procedures.

## **Public Health Department**

11:30

*Practice of tattooing, 08/03/16 IAB, ARC 2656C, ADOPTED.*

This rulemaking includes various updates to the department's rules on the practice of tattooing established pursuant to Iowa Code §135.37. The rulemaking updates definitions; updates application requirements and fee schedules; establishes deactivation and reinstatement fees to encourage timely renewals; increases fees for temporary tattoo establishments; adds instructions for completing an online application that will be available January 1, 2017; clarifies general provisions for tattoo artists and tattoo establishments; clarifies and updates sanitation and infection control provisions; clarifies tattoo equipment requirements and tattooing procedures; clarifies establishment permit requirements; provides that no new mobile tattoo units be permitted effective July 1, 2016; clarifies inspection and inspector requirements; and clarifies permit revocation and other enforcement actions. The rulemaking resulted from discussions held with a tattoo artist stakeholder group.

The department made changes to the noticed language in response to feedback, including removing the concept of guest tattoo artists, modifying documentation used to determine proof of age, and clarifying the definition of "disinfectant."

## **Public Health Department**

11:30

*Board-certified behavior analyst and board-certified assistant behavior analyst grants program, 07/20/16 IAB, ARC 2621C, AMENDED NOTICE.*

These proposed rules implement the board-certified behavior analyst and board-certified assistant behavior analyst grants program enacted by 2015 Iowa Acts, SF 505, §68 and funded by SF 505, §§13(5) and 133(5). The program provides grants to Iowa resident and nonresident applicants who have been accepted for admission to or are attending a Board of Regents university, a community college, or an accredited private

institution; are enrolled in a program to be eligible for board certification as a behavior analyst or assistant behavior analyst; and demonstrate financial need. The purpose of the program is to increase access to certified behavior analyst and certified assistant behavior analyst professionals. The rules provide for eligibility criteria, priority in grant awards for Iowa residents, grant amounts, uses of grant funds, an applicant review process, and annual program reporting. The rules were written in cooperation with the Department of Education and the Department of Human Services' Autism Support Program.

The department filed this amended notice in response to feedback received on the previously noticed language as well as statutory changes to the program made by 2016 Iowa Acts, HF 2460, §§ 57 and 58.

## **Iowa Commission On Volunteer Service**

12:30

*RefugeeRISE AmeriCorps program, 07/06/16 IAB, ARC 2613C, NOTICE.*

These proposed rules establish the Refugee Rebuild, Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program pursuant to 2016 Iowa Acts, House File 2460, §§ 90 and 91. The program will increase community integration and engagement for diverse refugee communities in rural and urban areas across the state and will support AmeriCorps program member recruitment and training to improve the economic well-being and health of economically disadvantaged refugees in local communities across Iowa. The proposed rules include an application process, eligibility criteria, grant criteria, and other administrative matters.

## **Revenue Department**

12:35

*Withholding—verified summary of payments report, electronic filing of W-2 and 1099 forms, 07/06/16 IAB, ARC 2616C, NOTICE.*

These proposed rules would require W-2 and 1099 forms to be filed electronically with the department on an annual basis for purposes of combating tax fraud. For tax year 2016, only withholding agents with at least 50 employees are required to electronically file W-2 and 1099 forms with the department. For tax year 2017, all withholding agents will be required to electronically file W-2 and 1099 forms with the department. In addition, annual verified summary of payment reports will be due on or before the last

day of January following the tax year. A withholding agent may request in writing an extension to electronically file due to hardship.

## **Revenue Department**

12:35

*Manufacturing—tax exemptions, 07/20/16 IAB, ARC 2636C, NOTICE.*

These proposed rules implement 2016 Iowa Acts, House File 2433, which modified sales tax exemptions relating to manufacturing by exempting supplies and by defining replacement parts and supplies and also rescinded a prior rulemaking on this subject. The proposed rules also update terminology and cross references used in existing rules.

The proposed rules cover such subjects as exemptions for property directly and primarily used in processing by a manufacturer; for computers used in processing or storage of data or information by an insurance company, financial institution, or commercial enterprise; for property directly and primarily used in recycling or reprocessing of waste products; and for fuel used in exempt property.

## **Natural Resource Commission**

1:25

*Alcoholic liquor, beer, and wine ban at beaches in Lake Macbride State Park and Pleasant Creek State Recreation Area, 07/06/16 IAB, ARC 2612C, NOTICE.*

These proposed rules ban alcoholic liquor, beer, and wine at the beaches located in Lake Macbride State Park and Pleasant Creek State Recreation Area. The commission cites the disproportionate number of arrests made and citations issued at these locations relating to alcohol, the high number of personnel needed to respond to such incidents, and increasing the safety and enjoyment of park users as reasons for this rulemaking.

Commission rules define “beach” as “that portion of state parks or recreation areas designated for swimming activity including the sand, a 200-foot buffer of land surrounding the sand or a designated area which is fenced in, and the water area contiguous to the beach as marked by swim buoys or swim lines.” However, the alcohol ban would not apply to any rental facilities located within the 200-foot buffer of land surrounding the sand or fenced-in area that have been officially reserved through the Department of Natural Resources.