



MINUTES

JANUARY 2022 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Waylon Brown, Vice Chair	Representative Megan Jones, Chair
Senator Julian B. Garrett [by teleconference]	Representative Mike Bousselot [by teleconference]
Senator Jesse Green [by teleconference]	Representative Amy Nielsen [by teleconference]
Senator Robert Hogg [by teleconference]	Representative Rick L. Olson
Senator Pam Jochum [by teleconference]	Representative Mike Sexton

EX OFFICIO, NONVOTING MEMBER: Michael Boal, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Kate O'Connor, Legal Counsel, 515.281.6329, and Michael Duster, Senior Legal Counsel, 515.281.4800

BULLETINS NEEDED FOR THIS MEETING: 12/15/21, 12/29/21

Procedural Business

Representative Jones convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9:05 a.m. on Friday, January 7, 2022, in Room 103, State Capitol, Des Moines, Iowa. The minutes of the December 14, 2021, meeting were approved. The next meeting was scheduled for February 4, 2022. Representative Jones reminded agencies that going forward a representative of the agency must appear in person and that virtual participation is not an option. The meeting was adjourned at 10:15 a.m.

Fiscal Overview

Mr. Adam Broich, Fiscal Legislative Analyst, presented the LSA fiscal report.

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg

ARC 6081C (NOIA), Medicaid—Diabetic Education Programs, Rule 78.31(4)“f”(6)
No discussion on ARC 6081C.

ARC 6097C (NOIA), Nursing Facility Reimbursement — Calculation of Per Diem for Administrative, Environmental, and Property Expenses, Rules 81.6, 81.23
No discussion on ARC 6097C.

ARC 6109C (NOIA), Iowa Juvenile Home, Ch. 101
No discussion on ARC 6109C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

ARC 6114C (NOIA), Assessment for Voluntary Admission to a State Mental Health Institution—Person-Centered Language, Rules 34.1, 34.2(2), 34.3
No discussion on ARC 6114C.

ARC 6115C (NOIA), Mental Health and Disability Services Region Service Fund, Rules 25.11, 25.13, 25.14(3)“a,” 25.22, 25.23
No discussion on ARC 6115C.

ARC 6116C (NOIA), Contracts—Employees in a Service Program, Use of Buildings and Grounds of State Institutions, Rules 2.1, 2.5
No discussion on ARC 6116C.

ARC 6122C (AF), Provider Reimbursement Rates; Fee Schedules, Rules 78.27(10)“f,” 78.34(9)“g,” 78.41(2)“i,” 78.43, 78.46, 79.1, 83.2(2)“b,” 83.42(2)“b,” 83.102(2)“b,” 83.122(6)“b”
No discussion on ARC 6122C.

MANAGEMENT DEPARTMENT

Representing the agency: Brett Conner

ARC 6088C (NOIA), Calculating Net General Fund Revenues, Ch. 15
No discussion on ARC 6088C.

IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM

Representing the agency: Elizabeth Hennessey

ARC 6117C (NOIA), Contribution Rates; Coverage for Employees of Regents Institutions; Suspected Fraud in Disability Claims; Final Distribution to Heirs Who Have Filed Claims; Successor Alternate Payees; Qualified Domestic Relations Orders, Chs. 4, 5, 13, 14, 16
No discussion on ARC 6117C.

PROFESSIONAL LICENSURE DIVISION

Representing the agency: Steven Garrison

ARC 6095C (NOIA), Optometrists—Licensure, Rules 180.2(1), 180.3(1), 180.11
No discussion on ARC 6095C.

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA

Representing the agency: Mark Johnson

ARC 6110C (NOIA), Billing Services on Behalf of Authorized User, Rule 17.6
No discussion on ARC 6110C.

TRANSPORTATION DEPARTMENT

Representing the agency: Sara Siedsma

ARC 6075C (NOIA), Persons With Disabilities Parking Permits, Rules 411.1, 411.2 (2), 411.3, 411.5 (1), 411.7, 411.9(2)
No discussion on ARC 6075C.

ARC 6118C (NOIA), Motor Vehicles—Registration, Titling, Window Tinting, Rules 400.3(17)“d,” 400.4, 400.14, 450.1(1), 450.7(1)
No discussion on ARC 6118C.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

Representing the agency: Matt Gronewald, Dr. Jeff Kaisand

ARC 6111C (NOIA), Recordkeeping—Exemption for Tropical and Ornamental Fish, Rule 67.6

Committee members asked if not maintaining records of tropical and ornamental fish poses a threat to other aquatic species. A member noted that a farmer must spend money for an inspection and to obtain health papers in order to sell sheep to a buyer in another state. Members stated that there is a black market for tropical fish and the members did not understand why it is a burden to maintain records for tropical fish. Dr. Kaisand stated that he also raises sheep and does not disagree with committee members; however, the department does not have the authority to regulate fish coming in and out of Iowa, and there are no uniform nationwide regulations. He also stated that when moving livestock across state lines, other states may have regulations related to recordkeeping.

No action taken on ARC 6111C.

ARC 6112C (NOIA), Weights and Measures, Ch. 85

No discussion on ARC 6112C.

ARC 6113C (NOIA), Farm-to-School Fund, Ch. 51

No discussion on ARC 6113C.

REVENUE DEPARTMENT

Representing the agency: Clara Wulfsen

ARC 6096C (AF), Property Tax Assessment—Multiresidential Property, Dual Property; State Appraisal Manual, Rules 71.1, 71.3-71.6, 71.12(3), 71.23, 71.24, 80.30(8)

No discussion on ARC 6096C.

CREDIT UNION DIVISION

Representing the agency: Jessica Pollmeier

ARC 6092C (AF), Foreign Credit Unions—Annual Fees, Rule 15.6(1)

No discussion on ARC 6092C.

ARC 6093C (AF), Funding Secondary Capital Agreements, Rule 7.7

No discussion on ARC 6093C.

ARC 6094C (AF), Board of Directors—Education Requirements, Rule 2.9

No discussion on ARC 6094C.

ARC 6091C (AF), Votes of the Membership, Ch. 12

No discussion on ARC 6091C.

PUBLIC SAFETY DEPARTMENT

Representing the agency: Catherine Lucas

ARC 6072C (FEAN), Electrical Installations, Rule 504.1

No discussion on ARC 6072C.

ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell

ARC 6085C (AF), Broadband Forward and Telecommuter Forward Certifications; Emergency Shelter Grants Program, Ch. 24

No discussion on ARC 6085C.

ARC 6086C (AF), Workforce Housing Tax Incentives Program, Ch. 48

No discussion on ARC 6086C.

ARC 6087C (FEAN), Hoover Presidential Library Tax Credit, Ch. 43

No discussion on ARC 6087C.

ARC 6107C (FEAN), Sports Tourism Program, Rules 215.1, 215.3-215.7

Committee members asked why the rulemaking was filed emergency. Ms. Connell responded that the authority anticipates that the program will be popular and many applications will be for summer sporting events. As applicants must apply at least 90 days prior to the date of the sporting event, the authority wanted the rulemaking to become effective as soon as possible.

No action taken on ARC 6107C.

PHARMACY BOARD

Representing the agency: Andrew Funk

ARC 6071C (AF), Administration of Vaccines by Pharmacy Technicians, Rule 3.17

No discussion on ARC 6071C.

ARC 6073C (AF), Interim Pharmacist in Charge, Rule 8.35(6)“d”(4)

No discussion on ARC 6073C.

ARC 6076C (AF), Practice of Pharmacy, Rules 3.5, 3.9, 8.23, 20.2, 20.24, 39.6, 39.8-39.11, 39.16

No discussion on ARC 6076C.

ARC 6082C (NOIA), Temporary Designation of Controlled Substances, Rule 10.39(7)

No discussion on ARC 6082C.

ARC 6083C (NOIA), Telepharmacy Practice, Ch. 13

No discussion on ARC 6083C.

ARC 6077C (AF), Electronic Data and Automated Systems—Five-Year Review of Rules, Petitions, Rules 21.6-21.9

No discussion on ARC 6077C.

ARC 6074C (AF), Controlled Substances; Precursor Substances, Rules 10.39, 12.1(1)

No discussion on ARC 6074C.

INSURANCE DIVISION

Representing the agency: Chance McElhaney

ARC 6119C (AF), Review of Rules, Chs. 15-16, 25, 28, 30, 33, 70

No discussion on ARC 6119C.

ARC 6121C (AF), Review of Rules, Chs. 29, 35, 36, 71, 73-76, 79-81, 85

No discussion on ARC 6121C.

ARC 6120C (AF), Licensing of Public Adjusters, Rules 55.5, 55.8, 55.9(7)“g,” 55.12(1), 55.14-55.17

No discussion on ARC 6120C.

EDUCATION DEPARTMENT

Representing the agency: Thomas Mayes

ARC 6079C (AF), Supplementary Weighting—English Language Learners, Rules 60.2, 60.6(1)“a”
No discussion on ARC 6079C.

ARC 6080C (AF), Supplementary Weighting Plan for Operational Function Sharing; Teacher Leader Supplement; Flexible Student Support Program, Rules 97.7, 98.25(3), 98.27
No discussion on ARC 6080C.

ARC 6078C (AF), Charter Schools, Chs. 19, 68

Committee members thanked Mr. Mayes for the detailed summary of the department’s rulemaking that he provided to the committee. Members asked Mr. Mayes to clarify the rule of construction and asked if the comments received by the department stated that the department does not have the statutory authority to require schools to indicate in the application which rules the school did not intend to comply with. Mr. Mayes clarified that several comments requested that the rule of construction be removed from the rulemaking as it was inconsistent with the statute. He explained the difference between the application and the contract, and what a school must include in the application if it is seeking a waiver for certain requirements.

No action taken on ARC 6078C.