



MINUTES

MAY 2022 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Julian B. Garrett	Representative Megan Jones, Vice Chair
Senator Jesse Green [by teleconference]	Representative Mike Bousselot
Senator Robert Hogg [by teleconference]	Representative Amy Nielsen
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 Jack Ewing, Administrative Code Editor, 515.281.6048, and Kate O'Connor, Legal Counsel, 515.281.6329

BULLETINS NEEDED FOR THIS MEETING: 4/6/22, 4/20/22, 5/4/22

Procedural Business

Representative Jones convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 8:30 a.m. on Monday, May 9, 2022, in Room 116, State Capitol, Des Moines, Iowa. Video of the meeting has been posted here: www.legis.iowa.gov/committees/meetings/meetingsListComm?groupID=705. Mr. Ewing discussed procedures for meeting participation. The minutes of the April 4, 2022, meeting were approved. The next meeting was scheduled for Tuesday, June 14, at 9:00 a.m. The meeting was adjourned at 9:40 a.m.

Fiscal Overview

Mr. Chris Ubben, Fiscal Legislative Analyst, presented the LSA fiscal report.

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg

ARC 6272C (AF), Volunteer Services, Ch. 12

No discussion on ARC 6272C.

ARC 6273C (AF), Mental Health Institutes, Ch. 29

No discussion on ARC 6273C.

ARC 6274C (AF), State Resource Centers—Catchment Areas, Application for an Adult, Rules 30.1, 30.2(1)

No discussion on ARC 6274C.

ARC 6275C (AF), Civil Commitment Unit for Sexual Offenders—Visits, Gifts, Ch. 31

No discussion on ARC 6275C.

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 6276C (AF), State Training School—Facilities, Reporting Gifts and Bequests, Rules 103.1, 103.9, 103.13(2)“b”
No discussion on ARC 6276C.
- ARC 6277C (AF), Child Care Programs—Quality Rating System Redesign, Ch. 118
Committee members noted that the department did not contact legislators chairing the House Human Resources Committee or the House Health and Human Services Appropriations Subcommittee for input about this rulemaking and urged the department to do so in the future.
No action taken on ARC 6277C.
- ARC 6282C (NOIA), Iowa Senior Living Trust Fund; Nursing Facility Conversion and Long-Term Care Services Development Grants; Iowa Hospital Trust Fund, Chs. 161, 162, 164
No discussion on ARC 6282C.
- ARC 6283C (NOIA), Food Assistance Program—Change of Name to Supplemental Nutrition Assistance Program, Ch. 13
No discussion on ARC 6283C.
- ARC 6286C (NOIA), Medical Child Care—Prior Authorization Forms, Rule 78.57(6)“c”(12)
No discussion on ARC 6286C.
- ARC 6297C (NOIA), Interim Assistance Reimbursement—Forms, Rules 57.2, 57.3(1)
No discussion on ARC 6297C.
- ARC 6298C (NOIA), Appeals and Hearings, Rules 7.1-7.3, 7.6(3)“b,” 7.7(1), 7.9, 7.11, 7.16, 7.19
No discussion on ARC 6298C.
- ARC 6299C (NOIA), Autism Support Program—Notice of Adverse Action, Ch. 22
No discussion on ARC 6299C.
- ARC 6300C (NOIA), Applied Behavior Analysis Services—Registered Behavior Technicians, Rule 77.26(10)
Committee members questioned an assertion the department made prior to the meeting that it did not need new legislation to be enacted in order to carry out the changes implemented by this rulemaking. Members also expressed concern that the department’s decision to pursue this rulemaking without first pursuing legislation on the matter had nonetheless delayed the process of implementing the rulemaking.
No action taken on ARC 6300C.
- ARC 6309C (AF), Child Care Assistance—Fee Schedule, Income Guidelines, Rules 170.2(1)“a,” 170.4
No discussion on ARC 6309C.
- ARC 6310C (AF), Integrated Health Homes; Chronic Health Homes, Chs. 77-79
No discussion on ARC 6310C.
- ARC 6313C (NOIA), Dental Program—Payment for Emergency Services, Annual Benefit Maximum, Ch. 78
Committee members asked how many members reach the maximum annual benefit. Ms. Freudenberg was unsure, but said she would follow up. Members asked if the department would grant exceptions to the maximum annual benefit, and she described circumstances in which the department would do so. Members noted that complaints about lack of access to dental care under Medicaid in rural areas are common. Members stated the rulemaking may restrict access to dental care, but acknowledged that the rulemaking may be necessary to ensure the rules and the department’s practices are aligned.
No action taken on ARC 6313C.

INSURANCE DIVISION

Representing the agency: Tracy Swalwell

- ARC 6285C (NOIA), Review of Rules, Chs. 10, 35, 76
No discussion on ARC 6285C.

UTILITIES DIVISION

Representing the agency: Matthew Oetker

ARC 6266C (AF), Federally Registered Planning Authority Transmission Projects, Rule 11.14
No discussion on ARC 6266C.

EDUCATION DEPARTMENT

Representing the agency: Thomas Mayes

ARC 6291C (AF), High School Programs; Flexible Student and School Support Program; Accountability Framework, Ch. 12
No discussion on ARC 6291C.

ARC 6292C (AF), Supplementary Weighting Plan for Operational Function Sharing— Special Education Director, Rule 97.7(10)“c”
No discussion on ARC 6292C.

ARC 6293C (AF), Standards for Teacher Intern Preparation Programs, Rules 77.8(5)“a,” 77.10(7), 77.11(2)
No discussion on ARC 6293C.

ARC 6301C (NOIA), Gap Tuition Assistance Program, Rules 25.1, 25.24
No discussion on ARC 6301C.

ARC 6302C (NOIA), School-Based Youth Services Programs, Ch. 66
Committee members thanked the department for its effort in rescinding these long-outdated rules.
No action taken on ARC 6302C.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Ashleigh Hackel

ARC 6294C (AF), Administrative Electronic Document Management System, Ch. 16
No discussion on ARC 6294C.

ARC 6296C (AF), Social and Charitable Gambling— Responsible Party, Raffles, Rules 100.1, 100.3 (7), 100.16
No discussion on ARC 6296C.

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Jim McGraw

ARC 6271C (AF), Air Quality—Electronic Submittal, Rules 20.2, 21.1(3), 22.1(3), 22.105, 22.128(4)
No discussion on ARC 6271C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Susan Dixon

ARC 6268C (AF), Outpatient Diabetes Education Programs, Rules 9.2-9.10
No discussion on ARC 6268C.

ARC 6269C (AF), Personal Responsibility Education Program and Title V State Sexual Risk Avoidance Education Grant Program Funding and Restrictions, Ch. 78
No discussion on ARC 6269C.

ARC 6270C (AF), Local Public Health Services, Ch. 80
No discussion on ARC 6270C.

DENTAL BOARD

Representing the agency: Christel Braness

ARC 6303C (AF), Licensure, Registration, or Qualification—Reinstatement, Fees, Chs. 1, 14, 15, 25
No discussion on ARC 6303C.

MEDICINE BOARD

Representing the agency: Joseph Fraioli

ARC 6284C (NOIA), Collaborative Pharmacy Practice, Rule 13.4
No discussion on ARC 6284C.

PHARMACY BOARD

Representing the agency: Sue Mears

ARC 6279C (NOIA), Remote Delegation of Functions — Security, Supervision, Documentation, Patient Counseling, Rule 3.5, 3.21, 6.14
No discussion on ARC 6279C.

ARC 6280C (NOIA), Precursor Substances, Rule 12.1(1)
No discussion on ARC 6280C.

ARC 6281C (NOIA), Pharmacy License; Nonresident Pharmacy Practice, Rules 8.35, 19.1-19.3
No discussion on ARC 6281C.

REVENUE DEPARTMENT

Representing the agency: Clara Wulfsen

ARC 6267C (AF), Hoover Presidential Library Tax Credit, Rules 42.57, 52.50, 58.25
No discussion on ARC 6267C.

ARC 6315C (NOIA), Excise Tax Rate on Motor Fuels, Rule 68.2(1)
No discussion on ARC 6315C.

VETERANS AFFAIRS, IOWA DEPARTMENT OF

Representing the agency: Melissa Miller

ARC 6290C (NOIA), Veterans Trust Fund, Ch. 14
No discussion on ARC 6290C.

TRANSPORTATION DEPARTMENT

Representing the agency: Sara Siedsma

ARC 6278C (NOIA), Driver Education—Time Allowance for Laboratory Instruction, Rules 634.4(2)“b,” 634.11(1)
No discussion on ARC 6278C.

ARC 6287C (AF), Vehicle Registration and Certificate of Title, Ch. 400
No discussion on ARC 6287C.

ARC 6306C (AF), Emergency Contact Information, Rules 601.3, 630.2(2)
No discussion on ARC 6306C.

ARC 6307C (AF), Commercial Driver Licensing; Adoption by Reference of Federal Regulations, Rules 520.1
(1), 529.1, 605.25(8)“a,” 607.10(1)“d,” 607.16(2), 607.31
No discussion on ARC 6307C.

ARC 6308C (AF), Emergency Vehicle Certificate, Ch. 451
No discussion on ARC 6308C.

ARC 6311C (NOIA), Vehicles Transporting Overweight Loads of Fluid Milk Products—Annual Permit, Ch.
511
No discussion on ARC 6311C.

ARC 6312C (NOIA), Transportation Network Companies, Rules 540.3, 540.4, 540.6, 540.9(2), 540.11
No discussion on ARC 6312C.

WORKFORCE DEVELOPMENT DEPARTMENT

Representing the agency: Jeffrey Koncsol

ARC 6314C (NOIA), Unemployment Insurance Benefits—Wage-Earnings Limitation, Rule 24.18
No discussion on ARC 6314C.