



MINUTES

APRIL 2023 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Klimesh, Vice Chair	Representative Amy Nielsen
Senator Nate Boulton [by teleconference]	Representative Rick L. Olson
Senator Mike Boussetot	Representative David Young
Senator Waylon Brown [by teleconference]	
Senator Pam Jochum [by teleconference]	

EX OFFICIO, NONVOTING MEMBER: Nate Ristow, 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: 3/8/23, 3/22/23

Procedural Business

Senator Klimesh convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10:30 a. m. on Monday, April 10, 2023, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the March 13, 2023, meeting were approved. The next meeting was scheduled for Monday, May 8, 2023, at 10:30 a. m. Members noted it would be a three-bulletin meeting. Members indicated discussion on requiring the inclusion of the names of agency personnel on rule filings would be deferred to allow for further discussion. The meeting was adjourned at 11:10 a.m.

Fiscal Overview

Mr. Chris Ubben, Fiscal Legislative Analyst, presented the LSA fiscal report. Committee members asked for clarification on the fiscal impact of ARC 4947C in the current fiscal year compared to the subsequent fiscal year. Mr. Ubben explained that the rule being amended in ARC 4947C would affect tax collection for part of the current fiscal year until the amendment becomes effective, while the amendment would be in effect for the entirety of the subsequent fiscal year. Committee members asked how the number of non-state government owned nursing facilities in Iowa was determined for purposes of ARC 6934C. Mr. Eric Richardson, Fiscal Legislative Analyst, explained that the fiscal analysis used one unspecified county at a cost of \$5.5 million as an example. Members asked if it was known how many such facilities there are in the state, and Mr. Richardson said he would try to gather that information. Members asked if the fiscal impact would be affected by the number of such facilities in the state, and he indicated it would.

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).

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg

ARC 6933C (AF), Iowa Health and Wellness Plan, Ch. 74
No discussion on ARC 6933C.

ARC 6934C (AF), Non-State Government Owned Nursing Facilities—Quality Incentive Payment Program, Ch. 81

Committee members asked how many facilities would be eligible for the program. Ms. Freudenberg explained the department had received three applications, but the total number of eligible facilities in the state was unknown. Members asked if the owners of eligible facilities would also be eligible to receive funding through Medicare to compensate for increased costs under the program, and she indicated that is correct. Members asked if facilities would have sufficient staff to cover the needs of the program, and she explained that a facility must have sufficient staff in order to file an application. No action taken on ARC 6934C.

ARC 6935C (AF), Nursing Facilities—Major Renovations, Medicaid Utilization Rates, Rules 81.1, 81.6(16)“h”
No discussion on ARC 6935C.

ARC 6936C (AF), Family-Centered Services, Rules 172.1, 172.2
No discussion on ARC 6936C.

ARC 6937C (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(2), 83.2(2)“b,” 83.42(2)“b,” 83.102(2)“b,” 83.122(6)“b”
No discussion on ARC 6937C.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Susan Dixon

ARC 6939C (AF), Plumbing and Mechanical Systems Professionals—Licensure by Verification, Veterans, Spouses of Veterans, Rules 28.3, 35.4(1)
No discussion on ARC 6939C.

PROFESSIONAL LICENSURE DIVISION

Representing the agency: Steven Garrison

ARC 6938C (AF), Psychologists—Five-Year Review of Rules, Chs. 5, 240-243
No discussion on ARC 6938C.

MEDICINE BOARD

Representing the agency: Dennis Tibben

ARC 6941C (AF), Prescribing in the Name of an Authorized Facility — Bronchodilator Canisters, Bronchodilator Canisters and Spacers, Opioid Antagonists, Rule 13.12
No discussion on ARC 6941C.

NURSING BOARD

Representing the agency: Kathy Weinberg

ARC 6950C (AF), Prescribing in the Name of an Authorized Facility or School—Bronchodilator Canisters, Bronchodilator Canisters and Spacers, Opioid Antagonists, Rule 7.8
No discussion on ARC 6950C.

PHARMACY BOARD

Representing the agency: Sue Mears

ARC 6953C (AF), Prescribing in the Name of a School or School District — Practice of Nursing; Bronchodilator Canisters, Bronchodilator Canisters and Spacers, Rules 3.3(1), 6.10(1)“c,” 8.19, 18.3(4)“d,” 21.8(1)“h,” 39.7(1)
No discussion on ARC 6953C.

PROFESSIONAL LICENSING AND REGULATION BUREAU

Representing the agency: Lori SchraderBachar

ARC 6946C (NOIA), Licensure by Verification, Veterans, Spouses of Veterans, Rules 14.1, 14.3, 14.4
No discussion on ARC 6946C.

TREASURER OF STATE

Representing the agency: Molly Widen

ARC 6951C (NOIA), Iowa ABLE Savings Plan Trust, Ch. 20
No discussion on ARC 6951C.

NATURAL RESOURCE COMMISSION

Representing the agency: Chris Ensminger, Joe Larschied

ARC 6929C (AF), Lifetime Trout Fishing License for Disabled Veterans; Annual Fishing and Hunting Licenses for Veterans, Rule 15.12(1)
No discussion on ARC 6929C.

ARC 6948C (ANOIA), Furbearer Hunting, Trapping—Season Dates, Rules 108.1-108.9

Committee members asked what feedback on the rulemaking the commission had received during its listening sessions. Mr. Larschied explained that the listening sessions were not devoted solely to the rulemaking, although comments about the rulemaking were received and most were supportive. He stated the commission is still compiling the comments. Members asked the commission to provide the committee with a concise summary of the comments received, and Mr. Larschied agreed to do so.

No action taken on ARC 6948C.

REVENUE DEPARTMENT

Representing the agency: Clara Wulfsen

ARC 6958C (AF), Local Government Services Division, Rules 102.14(2), 103.18(8), 111.2
No discussion on ARC 6958C.

ARC 6947C (NOIA), Golf and Country Clubs and All Commercial Recreation, Rule 216.3

Committee members asked if the text of the rulemaking is the same as the emergency rulemaking considered by the committee at its February 13, 2023, meeting, and Ms. Wulfsen stated it was. Members asked the department to provide the committee with the public comments it received on ARC 6577C, a portion of which is reversed by this rulemaking. She explained that the department itself had not received any public comments on ARC 6577C, but the governor's office and legislators had received comments and forwarded them to the department. She stated the department would provide the comments that were forwarded. Members asked if flying lessons would be taxable under the rulemaking. Ms. Wulfsen stated she would have to consult colleagues before answering. Members asked if the department agreed with the LSA Fiscal Services Division's analysis of the rulemaking. She stated the department had not yet reviewed the fiscal analysis. Members asked the department to indicate whether it agreed with the analysis after the meeting.

No action taken on ARC 6947C.