

**MINUTES OF THE MAY 2013 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Date of meeting: The regular, statutory meeting of the Administrative Rules Review Committee (ARRC) was held on Thursday, May 16, 2013, in Room 116, State Capitol, Des Moines, Iowa.

Members present: Representative Dawn Pettengill, Chair, and Senator Wally Horn, Vice Chair; Senators Mark Chelgren, Thomas Courtney, Pam Jochum, and Roby Smith; Representatives Dave Jacoby, Rick Olson, Jeff Smith, and Guy Vander Linden were present.

Also present: Joseph A. Royce and Jack Ewing, Legal Counsel; Stephanie A. Hoff, Administrative Code Editor; Larry Johnson, Deputy Counsel, Office of the Governor; fiscal staff; caucus staff; and other interested parties.

Convened Rep. Pettengill convened the meeting at 8:30 a.m.

Fiscal overview Adam Broich presented the LSA fiscal report.

EDUCATIONAL EXAMINERS BOARD Darcy Lane represented the board.

ARC 0698C No action on 13.9 pertaining to the teacher intern license for international teachers.

EDUCATION DEPARTMENT Mike Cormack and Jeremy Varner represented the department.

ARC 0687C No action on amendments to 21.2 regarding community college award requirements, including implementation of a new associate of professional studies (APS) pilot, and career and technical program length.

ARC 0688C Amendments to ch 32 concerning the high school equivalency diploma bring the rules into alignment with Iowa Code chapter 259A, which does not specify the assessment to be used as the basis for the granting of high school equivalency diplomas in Iowa.

Mr. Varner stated that by rule the General Educational Development (GED) Testing Service, a nonprofit entity, has been the sole-source provider of the GED test, the high school equivalency test in Iowa. Mr. Varner explained that after the GED Testing Service was purchased by a for-profit, education-directed company, a high school equivalency diploma steering committee was formed to research alternative assessment providers and to seek competitive bids from the GED Testing Service and other assessment providers for the purpose of selecting Iowa’s high school equivalency test. Mr. Varner stated that the steering committee will consider several factors in selecting the assessment, including cost, alignment with the common core subjects, accommodations provided, delivery of the assessment through computer-based means, scoring, and content.

Discussion pertained to the cost, delivery and rigor of the assessment and to the composition of the steering committee. Mr. Varner stated that the cost has been \$125 (\$25 for each of the five components of the GED test) and that the providers bidding the contract have frozen the cost of their assessments, an action that may lower the cost. He noted that the delivery will be computer-based, not paper-based, and that the assessment will be more rigorous. Mr. Varner explained that the steering committee is comprised of representatives from various levels of adult education and added that the department has been in close communication with the workforce development and human services departments about the assessment. Mr. Cormack noted that in response to an earlier request from the ARRC, the department has kept the corrections department apprised about the changes related to the assessment.

Sen. Courtney cautioned the steering committee to select the assessment carefully in order to maintain the quality of the high school equivalency program. In response to an inquiry from Rep. Olson, Mr. Varner stated that the steering committee could examine several assessment options and recommend to the legislature that more than one assessment option be permitted by statute.

LABOR SERVICES DIVISION Kathleen Uehling represented the division.

ARC 0726C No action on amendments to 10.20 and 26.1 pertaining to federal occupational safety and health standards.

Labor Services Division (continued)

ARC 0685C Amendments to ch 71 concern the 50-percent rule and fees related to the conveyance safety program. Ms. Uehling explained that the 50-percent rule limits the scope of the grandfather clause that since 1975 has exempted existing elevators from compliance with the most current code requirements. She stated that the primary purpose of the amendments is to rescind the 50-percent rule, considered by the elevator safety board to be unnecessary, in order to expand the scope of the grandfather clause as it relates to alterations of older elevators.

In response to requests from Sen. Courtney and Rep. Olson, Ms. Uehling agreed to provide the committee with information about elevators and elevator inspectors and inspections, including the number of conveyances in Iowa, the number of inspectors, the interval and status of inspections, and the elevator inspection process. Sen. Courtney cautioned that issues associated with elevators should be rectified for the safety of the public.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg, Jennifer Vermeer and Wendy Rickman represented the department.

ARC 0709C No action on amendments to ch 78 regarding standardization of units of service and service definitions related to HCBS waiver services.

ARC 0707C No action on amendments to ch 78 regarding standardization of billing codes, units of service, and service definitions related to HCBS waiver services.

ARC 0708C No action on amendments to 79.1(2) pertaining to the unit time and rate definition for a portion of the HCBS waiver services.

ARC 0710C No action on amendments to ch 79 regarding billing codes, units of service and service rates related to HCBS waiver and habilitation services.

ARC 0713C No action on amendments to ch 79 relating to payment for primary care services furnished in 2013 or 2014. In response to an inquiry from Sen. Jochum, Ms. Vermeer stated that within the context of the Patient Protection and Affordable Care Act, the goal of the amendments is to retain physicians who accept Medicaid patients and that independent of outcome-based changes set forth in the Act, these amendments increase the reimbursement to physicians for services provided in 2013 or 2014. In response to a request from Sen. Chelgren, Ms. Vermeer agreed to provide the committee with the total number of Iowa physicians who are currently accepting and who have accepted Medicaid patients during the past two years.

ARC 0711C No action on the amendment to 79.3 pertaining to maintenance of records by providers of service.

ARC 0712C No action on amendments to 79.4 concerning reviews and audits related to the medical assistance program.

ARC 0714C No action on 81.10(5)“e”(4) regarding allowed supplementation for a private room in a nursing facility. In response to an inquiry from Sen. Horn, Ms. Freudenberg stated that a nursing facility will attempt to accommodate a patient’s request for a private room.

ARC 0715C No action on amendments to chs 110 and 170 relating to national criminal history checks for registered child development homes, child care homes, and providers receiving child care assistance payments. In response to an inquiry from Sen. Jochum, Ms. Freudenberg clarified that the provider pays for fingerprinting and the department pays for the criminal history check, and Ms. Rickman confirmed that the number and identity of unregistered providers in Iowa are unknown.

Committee business The minutes of the April 12, 2013, meeting were approved.

The next meeting was scheduled for Tuesday, June 11, 2013, at 9 a.m.

The committee granted the Administrative Code Editor permission to publish in the June 12, 2013, Iowa Administrative Bulletin a notice from the Federal Emergency Management Agency (FEMA) regarding FEMA’s intent to reimburse state and local governments and agencies and eligible private, non-profit organizations for eligible costs incurred to repair and/or replace facilities damaged by snowstorms occurring from April 9 to 11, 2013.

Committee business (continued)

Adjourned The meeting was adjourned at 9:25 a.m.

Respectfully submitted,

Stephanie A. Hoff

APPROVED:

Chair Dawn Pettengill

Vice Chair Wally Horn