

**MINUTES OF THE SEPTEMBER 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 Tuesday, September 10, 2013, and Wednesday, September 11, 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 Lisa Heddens, 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; Ted Stopulos and Adam Gregg on behalf of the Administrative Rules Coordinator; fiscal staff; caucus staff; and other interested parties.

Convened Rep. Pettengill convened the meeting at 9:35 a.m. and welcomed Rep. Heddens to the committee.

Fiscal overview Adam Broich presented the LSA fiscal report. In response to inquiries from Rep. Pettengill and Sen. Chelgren, Shawn Snyder, LSA fiscal analyst, explained the estimated fiscal impact related to shared operational function supplementary weighting (ARC 0967C). In response to requests from Sen. Courtney and Rep. Pettengill, Mr. Broich will provide the committee with information regarding the increase in the cost to the Inspections and Appeals Department for informal conferences with an independent reviewer (ARC 0922C and ARC 0941C). Jess Benson, LSA fiscal analyst, will provide the committee with the methodology for cost savings related to Department of Human Services ARC 0888C. (Note: Mr. Benson stated that this Notice of Intended Action has in the meantime been terminated (see ARC 1027C, IAB 9/18/13)). In response to an inquiry from Rep. Heddens, Mr. Broich will provide the committee with information regarding (1) the impact of changes to HCBS transportation on recipients of services (ARC 0887C) and (2) the expenditure of earlier fee increases and the status of the RFP related to vital records (ARC 0926C). Rep. Pettengill commended the new format of the LSA fiscal report.

REAL ESTATE COMMISSION David Batts and Jeff Evans represented the commission.

Committee review of emergency rule making Mr. Batts requested approval of a rule making to bypass Notice procedures and rescind chs 22 and 23. 2013 Iowa Acts, Senate File 483, section 3, repealed Iowa Code section 543B.54, eliminating the real estate college education credit program. After discussion, the committee concurred that an emergency rule making was not necessary and that the rescission should be promulgated through the normal rule-making process.

ARC 0970C Proposed amendments to 14.1(6) pertain to the residential property seller disclosure statement. The existing disclosure statement sets forth 19 items for disclosure; the amendments propose changes relating to two required disclosures and an additional required disclosure of “any significant structural modification or alteration.” Mr. Evans stated that the amendments propose the addition of questions to sellers so that buyers have greater knowledge of the condition of the property.

Discussion pertained to the impetus for and the statutory basis for the amendments, the responsibility of the buyer to inspect the property and assess its condition, liability, and some inconsistencies among the questions in the disclosure statement. The committee requested that Mr. Evans convey its concerns to the commission.

IOWA PUBLIC INFORMATION BOARD Keith Luchtel represented the board.

Committee review of emergency rule making Mr. Luchtel requested approval of an emergency rule making to add the board’s Web site, e-mail and street addresses and telephone and fax numbers to chs 1 and 3 to 7.

Motion to approve Rep. Olson moved approval of the emergency rule making.

Motion carried On a unanimous voice vote, the motion carried.

COLLEGE STUDENT AID COMMISSION Julie Leeper represented the commission.

ARC 0946C No questions on proposed amendments to ch 21 pertaining to approval of postsecondary schools.

College Student Aid Commission (continued)

ARC 0945C No action on amendments to 36.1(2) regarding the Governor Terry E. Branstad state fair scholarship program. In response to an inquiry from Rep. Pettengill, Ms. Leeper stated that the required references students are to provide in the application have not been a factor in the awarding of scholarships.

EDUCATION DEPARTMENT Mike Cormack, Sandra Dop, Isaiah McGee, Larry Bice and Jeff Berger represented the department. Other interested parties included Mary Gannon of the Iowa Association of School Boards; and Superintendents Dale Crozier, MFL MarMac and Eastern Allamakee Community School Districts; Brett Nanninga, Tri-Center Community Schools; Dave Herold, Allamakee Community School District; Marty Fonley, Algona and Titonka Community Schools; and Michael Haluska, Decorah Community School District.

ARC 0954C No questions on proposed amendments to 12.1 pertaining to instructional days and hours.

ARC 0958C No questions on proposed amendments to 12.2 and 12.5(14) regarding the delivery of and assessment in competency-based and traditional instruction.

ARC 0964C Proposed 12.10 pertains to independent accrediting agencies. In response to an inquiry from Rep. Pettengill, Mr. McGee confirmed the status of accrediting agencies pursuant to the stipulations in 12.10(3).

ARC 0968C No questions on proposed 79.14(13) concerning the teacher preparation clinical practice standard related to the Teach Iowa student teaching pilot project.

ARC 0967C Proposed amendments to 97.7 pertain to the supplementary weighting plan for operational services. Mr. Berger stated that 2013 Iowa Acts, House File 472, reauthorizes and modifies the existing statute regarding supplementary weighting to allow additional classifications of employees to be shared between school districts. Mr. Berger explained that the addition of staff was, in the department's view, apparently not the intent of House File 472 and that adding new staff would cause significant increases in the projected costs. Thus, the department will not authorize state funding when school districts increase full-time equivalents for shared positions authorized by this rule. Mr. Berger acknowledged school districts' view that the legislation does allow for the hiring of additional staff for shared positions and noted that the department has received a petition signed by 230 school districts in opposition to the rule. He explained that school districts opposed to the rule assert that the time frame will make implementation of the rule difficult because decisions about staffing must be made based on certified student counts on October 1, 2013, in order that additional funding be received when the legislation becomes effective in 2014, but school districts will be ineligible for additional funding if they hire staff. Mr. Berger sought guidance regarding the intent of the legislation and suggested that the department is open to further discussion during the next legislative session.

Ms. Gannon expressed opposition to the rule, specifically, that operational sharing will be based on the staff count on October 1, 2013, even though the statute does not go into effect until 2014. On behalf of Rep. Patti Ruff, co-sponsor of House File 472, Mr. Crozier read Rep. Ruff's letter in which she requests reconsideration of the proposed rule that severely limits the effectiveness of the operational sharing legislation. Mr. Nanninga stated that operational sharing is a crucial mechanism to enable a school district to be run as a viable business. Mr. Herold asserted that the legislation and the corresponding rule create inequity and presented an example to illustrate that his district would not qualify for supplemental weighting predicated on an increase in staff based on Basic Educational Data Survey (BEDS) staff data from 2012. Mr. Fonley stated that operational sharing has enabled collaboration between small and large districts, has created positive change and afforded opportunities for students, and has saved money. Mr. Haluska stated that his school district has added two shared positions in compliance with the legislation and that this operational sharing will increase student opportunities.

During and after public comment, discussion pertained to the financial impact to the state, the time frame for implementation, possible committee actions and the effects, and changes to the statute.

ECONOMIC DEVELOPMENT AUTHORITY Tim Whipple and Kristin Hanks represented the authority. Other interested parties included Mark Joyce of the City of Des Moines and Dustin Miller of the Iowa League of Cities.

Economic Development Authority (continued)

- ARC 0944C No action on amendments to 65.2 and 65.3(3) pertaining to brownfield and grayfield redevelopment tax credits.
- ARC 0940C No questions on proposed amendments to ch 116 relating to the innovation fund tax credit program.
- ARC 0947C No questions on proposed ch 200, reinvestment districts program. Mr. Joyce commended the authority's work with city staff on the rules. Mr. Miller stated that the rules clarify the meaning of "unique nature" and the fair and open process for program applicants to follow and commended the authority's willingness to work with stakeholders.

HISTORICAL DIVISION Chris Kramer and Berry Bennett represented the division.

- ARC 0896C No action on amendments to ch 48 pertaining to historic preservation and cultural and entertainment district tax credits.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT John Benson represented the department. Other interested parties included Victoria Daniels of the Revenue Department.

- ARC 0956C Proposed ch 14 pertains to the flood mitigation program. Mr. Benson explained the process for distribution of project moneys. In response to an inquiry from Rep. Pettengill, Ms. Daniels stated that the sales tax portion is a single fund within state funds that is distributed to communities by the department of revenue.

INSPECTIONS AND APPEALS DEPARTMENT Deborah Svec-Carstens represented the department. Other interested parties included Ken Watkins of Davis Brown on behalf of and Susan Cameron on behalf of the Iowa Health Care Association and the Iowa Center for Assisted Living and Dean Lerner.

- ARC 0903C No action on amendments to chs 50, 57, 58 and 62 to 65 concerning background checks related to health care facilities and certified nurse aide training programs.

- ARC 0922C Proposed amendments to 56.14(3) and 56.15 pertain to the informal conference for contested citations related to health care facilities. Ms. Svec-Carstens stated that 2013 Iowa Acts, Senate File 394, revises the process to require that an independent reviewer, rather than a representative of the department, conduct an informal conference. The reviewer must be an attorney licensed in Iowa who is not currently and has not been employed by the department in the past eight years, or has not appeared before the department on behalf of a health care facility for the past eight years. After the informal conference, the independent reviewer may affirm, modify or dismiss the citation.

Ms. Svec-Carstens clarified for Rep. Olson that the costs for independent review will be paid through licensure fees and that a request for proposal (RFP) is in process regarding the employment of independent reviewers. In response to an inquiry from Sen. Jochum, Ms. Svec-Carstens stated that the legislation allows the facility to appeal a decision of an independent reviewer but does not allow the department to do so. Sen. Jochum stated that legislation is needed to address appeals by the department. Sen. Chelgren stated that he would work with his colleagues to address the appeals process. In response to a request from Rep. Pettengill, Ms. Svec-Carstens will provide the committee with information regarding the increase in the cost of informal conferences and who pays the costs if the independent reviewer finds in favor of the facility.

Mr. Lerner expressed opposition to the legislation and to the proposed amendments, noting that finding a skilled independent reviewer would be difficult given the required qualifications and that the department cannot appeal an adverse decision. Ms. Cameron expressed support for the proposed amendments, which provide facilities due process by allowing department-imposed citations on facilities to be appealed to an independent reviewer rather than to an administrative law judge (ALJ) hired by the department director, who has the authority to overturn the ALJ's decision. Mr. Watkins stated that the amendments change only the overseer of the already-existing independent dispute resolution process.

- ARC 0907C No questions on proposed amendments to chs 57, 58, 62, 63, 65 and 67 concerning administration of immunizations by pharmacists.

Inspections and Appeals Department (continued)

- Ms. Svec-Carstens stated that based on comment from the Iowa Physician Assistant Society, physician assistants, as permitted by law, will be added to the list of health care professionals who administer immunizations.
- ARC 0923C No questions on proposed amendments to 58.14(8) concerning the evaluation of nursing facility residents by a physician assistant after the initial comprehensive visit by a physician.
- ARC 0906C No questions on the ch 64 appendix concerning federal interpretive guidelines for facilities for the intellectually disabled.
- ARC 0941C Proposed amendments to ch 67 pertain to informal conferences for contested citations related to assisted living programs and to elder group homes and adult day services. Ms. Svec-Carstens stated that 2013 Iowa Acts, Senate File 394, establishes an informal conference process for assisted living programs.
- In response to an inquiry from Rep. Pettengill regarding 67.11(5), Ms. Svec-Carstens stated that even if a complaint is provided anonymously, the complainant may receive the final report of an investigation and that pursuant to existing statute, a civil penalty may be reduced by 35 percent when a formal hearing is not requested.
- Ms. Cameron expressed support for the legislation and for the amendments. Mr. Lerner expressed opposition to the amendments and stated that unlike ALJs, independent reviewers are not bound by the code of judicial conduct.
- ARC 0961C No action on amendments to 67.1, 67.5 and 67.9 pertaining to nurse delegation in elder group homes, assisted living programs and adult day services.
- ARC 0963C No action on 67.19 and amendments to 67.9 regarding criminal, dependent adult abuse, and child abuse record checks of prospective employees of elder group homes, assisted living programs and adult day services.

INSURANCE DIVISION Matt Hargrafen and Angel Robinson represented the division. Other interested parties included Fred Haskins on behalf of the Reinsurance Association of America and Tom Stanberry of Davis Brown on behalf of the Iowa Insurance Institute.

- ARC 0960C No questions on proposed amendments to 5.33 pertaining to credit for reinsurance. Mr. Haskins and Mr. Stanberry expressed support for the amendments.
- ARC 0959C Proposed amendments to ch 43 pertain to the incorporation of the 2012 IAR Mortality Table related to the minimum standard for valuation for annuity and pure endowment contracts. Mr. Hargrafen stated that based on comments from the industry, the projected effective date of the amendments has been changed from January 1, 2014, to January 1, 2015. In response to an inquiry from Sen. Chelgren, Mr. Hargrafen stated that a new mortality table becomes effective for tax purposes when it becomes the prevailing table and is adopted and available for use by 26 states. Sen. Chelgren requested that the division consider the earliest implementation of the new mortality table to minimize the cost of life insurance premiums for Iowans.
- ARC 0981C No action on ch 85, regulation of navigators. Ms. Robinson reported that based on public comment, references to non-navigators have been removed from the rules and that a waiver process regarding training-related issues for navigators has been added. In response to an inquiry from Rep. Pettengill, Ms. Robinson defined certified application counselor and explained the differences between certified application counselors and navigators. Ms. Robinson provided Sen. Jochum with examples of entities, including providers, hospitals and consumer-based organizations, that may become certified application counselors.

IOWA FINANCE AUTHORITY Mark Thompson represented the authority.

- ARC 0929C No questions on proposed amendments to 12.1 and 12.2 concerning the qualified allocation plan related to the low-income housing tax credit program.
- ARC 0827C The amendments to 27.3(2) concern home purchase financing under the military service member home ownership assistance program. At the August meeting, the committee voted to impose a 70-day delay on 27.3(2). Mr. Thompson reported that the authority has reviewed and has met with Sen. Smith regarding the rule and the underlying statute. Sen. Smith stated that the amendments will be reviewed at the October meeting.

- HUMAN SERVICES DEPARTMENT** Nancy Freudenberg, Rick Shults, Jill Henson, Jennifer Vermeer, and Ann Wiebers represented the department. Other interested parties included Dan Royer and Sarah Vanderpool of the Iowa Hospital Association.
- ARC 0974C Proposed amendments to ch 25 pertain to the regional service system related to mental health and disability services. Ms. Freudenberg stated that the amendments define the regional service system, including the regional governance structure and agreements, functional assessment criteria, eligibility, and the regional service system management plan.
- In response to an inquiry from Sen. Chelgren, Mr. Shults stated that in a 28E agreement, the counties themselves set forth the standards by which the removal of a county from a region might occur and that though the department would be willing to collaborate with that county to engage the county with a region, the department has no authority to require such engagement. In addition, a county could choose not to sign a 28E agreement to be part of a region but would not be recognized as a region. In response to a follow-up inquiry from Rep. Heddens, Mr. Shults agreed to provide the committee with information regarding department assistance available to counties and the department's authority related to the termination of a county's participation in a region. Mr. Shults addressed questions from Rep. Pettengill regarding local access to services, accounting systems and financial reporting, and weighting of voting by governing boards and agreed to follow up on 25.19 regarding the use of "may" versus "shall" in the introductory paragraph.
- ARC 0921C No questions on proposed amendments to chs 28 to 30 concerning mental health institutes and state resource centers.
- ARC 0914C No questions on proposed amendments to chs 41 and 93 regarding the family investment program (FIP) and the PROMISE JOBS program.
- ARC 0913C No questions on proposed amendments to ch 47 pertaining to the family self-sufficiency grants program.
- ARC 0916C No questions on proposed amendments to 65.8 concerning the standard utility allowance related to food assistance.
- ARC 0972C Proposed ch 74 and amendments to ch 88 pertain to the Iowa Health and Wellness Plan. Ms. Freudenberg stated that the Plan provides medical assistance to low-income Iowans, aged 19 to 64, whose countable income does not exceed 133 percent of the federal poverty level for their family size, who are not eligible for any other full Medicaid group or Medicare, who are not pregnant, and whose dependent children are covered by minimum essential coverage. The proposed rules include eligibility factors, benefits and service delivery, and claims and reimbursement methodologies. Beginning October 1, 2013, low-income adults will be able to enroll in a new Medicaid coverage group for benefits that will begin January 1, 2014. The proposed rules do not include provisions awaiting approval by the Centers for Medicare and Medicaid Services (CMS), including required contributions or premiums, or the specific delivery for dental services, medical homes, or accountable care organizations.
- In response to inquiries from Sen. Chelgren and Rep. Olson, Ms. Henson stated that the criteria for eligibility already set forth in state and federal law address the eligibility of families with separate living arrangements. Ms. Henson stated that 74.2(2) will be clarified so that a parent's insurance coverage will not be jeopardized and noted that Internal Revenue Service data will assist in determination of eligibility.
- Mr. Royer and Ms. Vanderpool expressed concern that presumptive eligibility and retroactive enrollment are not addressed by the rules and stated that persons who qualify for Medicaid should not be treated differently because of different levels of qualification. In response, Ms. Vermeer stated that the rules are consistent with the legislation, which does not include retroactive eligibility, and explained that the department is working with CMS on this issue; in addition, she stated that the department is continuing to work on presumptive eligibility for hospitals, which would begin on the date of application.
- ARC 0971C No questions on proposed amendments to ch 75 regarding medical assistance eligibility.

Human Services Department (continued)

- ARC 0908C Proposed ch 76 pertains to Medicaid enrollment and reenrollment. Ms. Wiebers clarified for Rep. Pettengill the processing of applications for Medicaid, and Ms. Vermeer described the seamless, integrated eligibility process that is in development between the department and the Insurance Division.
- ARC 0911C No questions on proposed amendments to ch 77 regarding qualifications for enrollment as a respite or interim medical monitoring and treatment provider under Medicaid.
- ARC 0920C No questions on proposed amendments to chs 78 and 81 concerning payment for customized wheelchairs for Medicaid members residing in nursing facilities.
- ARC 0918C No questions on proposed 79.1(5)“ac” pertaining to rural hospital disproportionate share payment.
- ARC 0910C No questions on proposed amendments to 79.1(7) relating to payment for physician services rendered in facility settings.
- ARC 0919C No questions on proposed amendments to 79.1(22) concerning Medicare crossover claims.
- ARC 0912C No questions on proposed amendments to chs 79 and 80 regarding sanctions and timely filing of claims under Medicaid.
- ARC 0917C No questions on proposed amendments to 79.14 pertaining to the provider enrollment or reenrollment application fee.
- ARC 0909C No questions on proposed 80.7 regarding the health care data match program.
- ARC 0915C No questions on proposed amendments to chs 172, 175 and 186 regarding child abuse reporting and assessment and placement on the central registry for child abuse.
- ARC 0888C This rule making was held over from the August meeting. Proposed amendments to ch 77 pertain to the transition from individual providers under the consumer-directed attendant care (CDAC) option to agency-provided personal care services or the retention of the consumer choice option (CCO). Ms. Freudenberg stated that this rule making has been terminated. In response to an inquiry from Sen. Chelgren, Ms. Vermeer stated that all affected parties have been sent a letter of clarification regarding the termination of the rule making and that the case manager is the immediate contact for assistance in maintaining an individual’s current plan. Sen. Chelgren expressed appreciation to the department and welcomed the department’s recommendation regarding prospective legislation.
- ARC 0887C This rule making was held over from the August meeting. No questions on proposed amendments to chs 77 to 79 pertaining to the HCBS transportation services rate. Ms. Freudenberg provided the department’s response to previous public comment, noting that the purpose of the amendments is to prohibit double billing and that these amendments are not related to county contracts with the Des Moines Area Regional Transit Authority (DART).

Committee review of emergency rule making Pursuant to 2013 Iowa Acts, Senate File 446, the department presented notice of its intention to adopt Emergency After Notice the rules listed below and requested committee review and approval of the rules prior to emergency adoption. The first four of the six Notices of Intended Action will be adopted on September 11, 2013, and the last two Notices of Intended Action will be adopted on September 26, 2013. All rules will become effective October 1, 2013. (Note: Rule reference numbers shown were assigned by the department for purposes of review and discussion.)

- 14-071 Medicaid enrollment and reenrollment, ch 76 (see ARC 0908C above).
- 14-068 Health care data match program, 80.7 (see ARC 0909C above).
- 14-046 HCBS transportation service rate, amendments to chs 77 to 79 (see ARC 0887C above).
- 14-040 IowaCare, amendments to ch 92: These amendments pertain to a change in payment methodology for federally qualified health centers (FQHCs) and eliminate the funding pool for laboratory and radiology services (see ARC 0886C, IAB 7/24/13).
- 14-074 Iowa Health and Wellness Plan, ch 74 and amendments to ch 88 (see ARC 0972C above).
- 14-075 Medical assistance eligibility, amendments to ch 75 (see ARC 0971C above).

WEDNESDAY, SEPTEMBER 11, 2013

- REVENUE DEPARTMENT** Jim McNulty, Victoria Daniels, Roland Simmons and Alana Stamas represented the department.
- ARC 0976C No questions on proposed amendments to chs 40 to 42, 45, 52, 53 and 59 regarding individual income, corporation income and franchise taxes.
- ARC 0975C Proposed amendments to chs 42, 50, 52 and 89 pertain to the earned income, Iowa taxpayers trust fund, innovation fund investment and school tuition organization tax credits; the S corporation apportionment credit; and the aggregate tax credit cap. In response to an inquiry from Sen. Smith, Mr. McNulty stated that on a joint return, each spouse could receive the \$55 taxpayers trust fund tax credit even if one spouse has no tax liability.
- ARC 0965C Ch 78 and amendments to 75.5 and 77.1(1) relate to replacement tax and statewide property tax on rate-regulated water utilities. In response to an inquiry from Sen. Chelgren, Ms. Daniels stated that the basis for the legislation is related to the downward trend in water delivery because of conservation and the new system of taxation; Mr. Simmons added that a 2 percent decrease is built into the legislation to slowly implement the decrease in tax paid. In response to an inquiry from Rep. Pettengill, Ms. Daniels will provide the committee with information about 78.7(4) to explain why taxes found to be unconstitutional cannot be refunded and about the replacement tax code in which this provision is likely referenced.
- ARC 0955C Proposed ch 238 pertains to the flood mitigation program. Ms. Daniels stated that the department's role in flood mitigation is to administer the calculation of sales tax increment funding and the remittance of such funding to governmental entities. In response to an inquiry from Sen. Chelgren, Ms. Stamas stated that there is a 20-year limit on a project from the time of approval and that the life of the flood mitigation program itself is 20 years.
- Ms. Daniels suggested that the possibility exists for one area of the state to experience an event qualifying the area for assistance from each of the sales tax diversion projects, including the local option sales tax (TIF), the flood mitigation program and the reinvestment districts. Ms. Daniels expressed the department's desire to work with the legislature on a provision that sets forth guidance and structure for the process of determining in aggregate the percentage of funds that one area may receive and the order in which funds are distributed.
- SOIL CONSERVATION DIVISION** Margaret Thomson represented the division.
- ARC 0979C Proposed ch 16 pertains to the water quality initiative. In response to an inquiry from Rep. Pettengill, Ms. Thomson reviewed the time frame for the rule making.
- ARC 0927C No questions on proposed amendments to chs 101 to 106 pertaining to grants and the review board associated with watershed improvement.
- TRANSPORTATION DEPARTMENT** Mark Lowe represented the department. Other interested parties included Susan Cameron on behalf of the Iowa Optometric Association.
- ARC 0895C No action on amendments to chs 601, 604 and 605 pertaining to the vision screen or report and eligibility associated with electronic renewal of driver's licenses and nonoperator's ID cards. Mr. Lowe summarized the general electronic application and delivery process and the electronic renewal process.
- Discussion pertained to self-disclosure of vision status, electronic kiosks, driver's license photos and distribution of license fees, costs to counties, confidentiality of vision status, and causes and rates of fatalities.
- Ms. Cameron expressed concern regarding the possibility that, unaware of a vision problem, a person could drive for 16 years without a vision test and without an examination by an eye care professional.
- VETERANS AFFAIRS, IOWA DEPARTMENT OF** Jodi Tymeson represented the department.
- ARC 0924C Proposed amendments to ch 10 pertain to the Iowa Veterans Home. Ms. Tymeson stated that the amendments implement 2013 Iowa Acts, House File 544, and that two public comments are being addressed.

Veterans Affairs, Iowa Department of (continued)

Sen. Jochum inquired about the definition of “gold star parent” and a related amendment; the definition of “interdisciplinary resident care committee”; the frequency of resident review; an individual’s ability to pay outright for care; a member’s treatment plan; the community reentry program; and the retention of examples of disruptive behavior in rule. Ms. Tymeson summarized the rationale for each change and stated that in response to the questions, the department will reexamine the amendments. Sen. Jochum requested that the department seek from Iowa’s members of Congress clarification of the definition of “gold star parent” and noted the need for the legislature to revisit the definition, which is set forth in House File 544. Rep. Pettengill agreed that examples of disruptive behavior should be retained in rule.

MEDICINE BOARD Kent Nebel represented the board.

ARC 0943C Proposed amendments to chs 8 to 10 pertain to fees for licensure. Mr. Nebel clarified for Rep. Pettengill the purpose for the monitoring fee.

ARC 0977C No questions on proposed amendments to ch 14 pertaining to the Iowa physician health committee.

NURSING BOARD Kathy Weinberg represented the board.

ARC 0948C No questions on proposed amendments to 11.5 pertaining to purchase of or access to rosters of licensees.

PROFESSIONAL LICENSURE DIVISION Tony Alden and Judy Manning represented the division.

ARC 0942C Proposed chs 221 and 225 and amendments to 5.15 and ch 224 pertain to the licensure, discipline and continuing education of podiatrists, orthotists, prosthetists, and pedorthists. In response to an inquiry from Sen. Courtney, Mr. Alden described the specialties of orthotics, prosthetics and pedorthics. Rep. Pettengill inquired about the podiatry licensure fee increase, reciprocity and the reactivation fee for the new specialties. Mr. Alden explained the podiatry licensure fee increase is for the self-sufficiency of the board, that there is no reciprocity with other jurisdictions, and that the two-tier licensure fee for the new specialties will initially repay the general fund and then will maintain board self-sufficiency. In addition, Mr. Alden stated that based on exact numbers, the board will adjust the podiatry licensure fees before adoption of the rules to ensure that the new specialties are not funded by podiatry licensure fees. Rep. Pettengill requested that Mr. Alden provide the committee with those numbers.

ARC 0899C No action on amendments to chs 180 to 182 relating to the licensure, practice and continuing education of optometrists.

ARC 0939C No action on amendments to 220.6 regarding temporary licensure for persons who complete a podiatry residency in Iowa.

PUBLIC HEALTH DEPARTMENT Ken Sharp, Jill France, and Jerilyn Oshel represented the department.

ARC 0937C Proposed ch 23 pertains to licensee practice under the plumbing and mechanical systems board. In response to an inquiry from Sen. Jochum regarding 23.2(1)“a,” Mr. Sharp explained the six-month grace period for identifying a new master of record.

ARC 0936C No questions on proposed amendments to ch 27 regarding the incorporation of mechanical, HVAC-refrigeration, and sheet metal disciplines under the plumbing and mechanical systems board.

ARC 0935C Proposed amendments to 28.1 relate to licensure fees. Mr. Sharp stated that stakeholders requested better estimates for the costs associated with master and contractor licenses. As a result of the comments, the board will terminate this Notice of Intended Action and submit a new Notice that will change the contractor and master licensure fees and will allow for the 30 percent statutory reduction for a combined master and contractor license.

Rep. Pettengill requested that the department develop plans for creating efficiencies in staff monitoring of bonding and insurance requirements for contractor and master licenses. In response to an inquiry from Sen. Jochum, Mr. Sharp will verify that language stricken from 28.1(5)“c” regarding discipline for practicing without a license is duplicative and may be found in ch 32.

Public Health Department (continued)

- In response to an inquiry from Sen. Chelgren, Mr. Sharp stated that increases and decreases in the number of licensed plumbers are more likely driven by the economy than by licensing requirements.
- ARC 0934C Proposed amendments to ch 29 pertain to licensure and examination. Mr. Sharp stated that public comment has focused on and discussion will continue regarding the establishment of a master sheet metal worker license, specifically, the creation of a journeyman license, which is part of the HVAC license but not part of a master license.
- In response to an inquiry from Sen. Jochum, Mr. Sharp will provide the committee with the language of and the rationale for the rescissions in Items 7 and 12. In response to an inquiry from Sen. Courtney, Mr. Sharp discussed the consistency in standards afforded by statewide licensing, required preparation for becoming a plumber, and approval for licensure through the federal Department of Labor. Mr. Sharp clarified for Rep. Olson the role of plumbers' helpers, who are not covered under the licensure requirements of the board.
- ARC 0933C No questions on amendments to ch 30 pertaining to continuing education.
- ARC 0932C No questions on amendments to ch 32 regarding licensee discipline.
- ARC 0931C No questions on 33.13(2) concerning contested cases.
- ARC 0930C No questions on amendments to ch 35 relating to reciprocity agreements for mechanical, HVAC-refrigeration, and sheet metal licensees.
- ARC 0926C Proposed amendments to 95.6 pertain to time-limited fee increases for specific vital records. Ms. France stated that the time-limited fee increases for vital records will support the development and implementation of the Iowa Vital Events System, which includes the electronic registration and issuance of vital records and new events and the conversion of historical records. She explained that the department contracted through an RFP process for a customized commercial system and determined the six components to be implemented in the following order depending on available funding: death registration, birth registration, fetal death registration, marriage registration, dissolutions of marriage, and termination of pregnancy. Noting that the program receives no general fund appropriation, Ms. France explained that the time-limited fee increase is estimated to generate \$6.35 million through July 1, 2019, to be used for the software and for the incorporation of the historical records into a single system. She reported that two public comments have been received.
- Discussion pertained to the RFP for the Iowa Vital Events System, including staffing, prioritization of components, time frame, and funding, and the application for and the cost and legal recipient of a certified copy of a vital record.
- Sen. Smith stated that in reference to 95.6(2), any overpayments should be returned to sender; Ms. France responded that the department will reexamine the overpayments policy.
- ARC 0925C Proposed amendments to chs 96 and 99 pertain to establishing parentage on birth certificates and to vital records modifications. In response to an inquiry from Sen. Chelgren, Ms. France stated that in compliance with Supreme Court Decision No. 12-0243, the biological parent, if not the legal parent, is not listed on the child's birth certificate.
- ARC 0901C No department representative appeared for the presentation of amendments to 133.1 to 133.3 pertaining to the white flashing light authorization.
- Motion to delay Rep. Vander Linden moved a 70-day delay on ARC 0901C.
- Motion carried On a unanimous voice vote, the motion carried. [Note: It was later determined that the amendments were in effect and a delay could not be imposed.]
- ARC 0973C Proposed amendments to ch 151 pertain to the tobacco use prevention and control community partnership initiative. In response to an inquiry from Sen. Jochum, Ms. Oshel stated that competition for community partnerships by all applicants will be encouraged by the rescission in Item 1. Regarding the rescission in Item 7, she explained that application forms will be available under "grants" on the department's Web site.

Committee business The minutes of the August 6, 2013, meeting were approved.
The next meeting was scheduled for Tuesday, October 8, 2013, at 9 a.m. If an additional meeting day is required, the tentative date is Monday, October 7, 2013, at 9:30 a.m.

Adjourned The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Stephanie A. Hoff

APPROVED:

Chair Dawn Pettengill

Vice Chair Wally Horn