

**MINUTES OF THE JULY 2006 MEETING
OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

- Date of meeting: The regular, statutory meeting of the Administrative Rules Review Committee (ARRC) was held Tuesday, July 11, 2006, in Room 24, State Capitol, Des Moines, Iowa.
- Members present: Representative George Eichhorn, Chair, and Senator John P. Kibbie, Vice Chair; Senators Michael Connolly, Thomas Courtney, Paul McKinley, and James Seymour; Representatives Marcella Frevert, David Heaton, and Geri Huser. Representative Danny Carroll was excused.
- Also present: Joseph A. Royce and Emily Gardyasz, Legal Counsel; Stephanie A. Hoff, Deputy Administrative Code Editor; Kristin Hardt, Administrative Rules Coordinator's office; fiscal staff, caucus staff and other interested parties.
- Convened Chair Eichhorn convened the meeting at 9 a.m.
- Fiscal report** Mary Beth Mellick presented the LSA report on rule makings that may have a significant fiscal impact.
- EDUCATION DEPARTMENT** Carol Greta and Max Christensen represented the department.
- ARC 5135B No questions on proposed ch 24 concerning community college accreditation.
- ARC 5236B No action on proposed amendments to ch 44 regarding school buses. These amendments are the result of the most thorough review of the rules in seven years.
- EDUCATIONAL EXAMINERS BOARD** George Mauer and Beth Myers represented the board. Linda Goeldner represented the Iowa Nurses Association. Other interested parties included Charlotte Burt.
- ARC 5157B No action on proposed 14.140(11) concerning the statement of professional recognition (SPR) available from the board of educational examiners for nurses licensed by the Iowa nursing board and employed by school districts. Ms. Goeldner commented that the national association would prefer that the SPR be reserved for nurses with a bachelor's degree (BSN), but the association does not want to prevent the rule from going forward. Ms. Burt recommended requiring a BSN degree for the SPR and presented a list of duties that require the expertise of BSNs.
- ARC 5185B No action of 15.3 to 15.20 regarding special education endorsements. Discussion related to the use of the word "political" in 15.14(2); Ms. Myers explained the context and noted that the word also appeared in the former provisions. Rep. Frevert commented that the new orientation and mobility specialist rule was thorough and complete.
- STATE PUBLIC DEFENDER** Mark Smith represented the office of state public defender.
- ARC 5267B No questions on amendments to chs 7, 12, and 14.
- PHARMACY EXAMINERS BOARD** Lloyd Jessen and Terry Witkowski represented the board. Other interested parties included Richard Savage of the Iowa Association of Pathologists and Jeanine Freeman of the Iowa Medical Society.
- ARC 5150B No questions on amendments pertaining to licensure, registration and permit fees.
- ARC 5151B The board of medical examiners and the pharmacy examiners board have adopted rules on collaborative drug therapy management. Dr. Savage contended that there is no statutory basis for the rule. Ms. Freeman expressed concern about the lack of statutory authority for a rule which allows a pharmacist to conduct laboratory work in a community practice setting under the supervision of a physician.
- Motion to refer Kibbie moved a referral to the appropriate committee of the General Assembly.
- Motion carried The motion carried; rule 8.34 was referred to the General Assembly.
- PUBLIC HEALTH DEPARTMENT** Barb Nervig and Kimberly Piper represented the department.
- ARC 5178B No comments on proposed amendments to ch 4 concerning the neonatal metabolic screening program.
- ARC 5129B No questions on amendments to ch 42 regarding radiologist assistants.
- ENVIRONMENTAL PROTECTION COMMISSION** Jim McGraw, Christine Paulson, Diane Moles, Dennis Alt and Matt McDonald represented the commission. Other interested parties included Jack Clark of the Iowa Utility Association.
- ARC 5154B No questions on proposed amendments to chs 20 and 22 and proposed new ch 33 pertaining to air quality.
- ARC 5139B Ms. Paulson presented the amendments to ch 22 and new ch 34 concerning the clean air interstate rule (CAIR) and the air quality emissions trading program. Discussion related to the impact on 29 utilities in Iowa. Mr. Clark commended EPC for their work on this program.
- ARC 5140B No action on the clean air mercury rule (CAMR). Members expressed concern about excessive mercury and the need for mitigation.
- ARC 5155B No questions on amendments related to water use and water allocation program.
- ARC 5149B No questions on amendments to provide for composting of dead livestock.

NATURAL RESOURCE COMMISSION Terry Little, Kevin Szcodronski, Martin Conrad, and Kurt Hanson represented the commission.

- ARC 5148B No action on the amendment to remove the Iowa River Corridor Area in Iowa County from the list of wildlife refuges.
- ARC 5141B No questions on proposed cabin rental fees in Waubonsie State Park.
- ARC 5143B No action on amendments to ch 82 pertaining to shovelnose sturgeon.
- ARC 5147B No action on amendments to ch 98 concerning wild turkey spring hunting.
- ARC 5146B No questions on proposed amendments to ch 99 regarding wild turkey fall hunting by residents.
- ARC 5142B No action on proposed amendments to ch 105 concerning deer population management zones and penalties for violating regulations.
- ARC 5145B No action on the bag limit for jackrabbit hunting.
- ARC 5144B Mr. Little reported that 75% of the comments received supported amendments to ch 108 regarding trapping of river otter; Mr. Royce noted that five out of the six comments he received opposed the amendments.

ECONOMIC DEVELOPMENT DEPARTMENT Melanie Johnson and Ken Boyd represented the department.

- ARC 5160B Chs 311 to 313 implement the renewable fuel infrastructure board and programs. Following discussion about the composition of the board, Mr. Royce agreed to draft a letter to the department and a general referral for the committee's review at the August meeting.

Committee business The minutes of the June 2006 meeting were approved. The next meeting will be held Tuesday, August 8, 2006. If there is a need for a two-day meeting, it will be held Monday, August 7 and Tuesday, August 8.

INSURANCE DIVISION Roseanne Mead represented the division.

- ARC 5173B Proposed amendments to ch 15 pertain to annuity transactions. Ms. Mead indicated that the amendments will result in full disclosure and greater oversight of sales practices. Mr. Royce will forward to the division a Medicaid rule involving annuities.

REVENUE DEPARTMENT David Casey represented the department.

- ARC 5177B No questions on proposed amendments to chs 38 to 40, 45, 46, 48 to 50, 52, 54, 56, 58, 59, 61, 86, and 89.
- ARC 5176B No action on amendments to ch 42 concerning the child and dependent care tax credit and early childhood development tax credit.

SOIL CONSERVATION DIVISION Ken Tow represented the division.

- ARC 5175B No action on amendments to ch 11 regarding the conservation practices revolving loan fund.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg and Carol Eaton represented the department. Kristie Oliver represented the Iowa Association of Homes and Services for the Aging. Bernie Nesbit was also present.

- ARC 5134B Ms. Freudenberg reported that these amendments concerning Medicaid eligibility for persons receiving long-term care services will bring the Medicaid rules into compliance with the Deficit Reduction Act of 2005. Rep. Heaton noted that one-third of the the persons in long-term care will be affected. Discussion related to how the fair market value of annuities will be determined and concerns for the community spouse.
- ARC 5132B No questions on the amendment to exclude drugs used to treat sexual dysfunction from Medicaid coverage.
- ARC 5153B No questions on proposed amendments to ch 92 concerning the IowaCare program.
- ARC 5131B Amendments to ch 98 pertain to child support obligations. Mr. Nesbit provided written comments and voiced opposition to the amendments, which do not address delinquency due to unemployment.
- ARC 5130B No questions on amendments to ch 170, fee schedule for child care assistance.
- Adjourned The meeting was adjourned at 2:10 p.m.

Respectfully submitted,

Kathleen K. West (compiled from notes provided by Stephanie Hoff and Emily Gardyas)

APPROVED:

Chair George Eichhorn

Vice Chair John P. Kibbie