

**MINUTES OF THE NOVEMBER 2017 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, November 14, 2017, in Room 116, State Capitol, Des Moines, Iowa.
- Members present: Representative Dawn Pettengill, Chair, and Senator Mark Chelgren, Vice Chair; Senators Mark Costello, Wally Horn, and Pam Jochum; Representatives Megan Jones, Amy Nielsen, Rick Olson, and Guy Vander Linden were present. Senator Jack Whitver was not present.
- Also present: Jack Ewing and Amber Shanahan-Fricke, Legal Counsel; Stephanie A. Hoff, Administrative Code Editor; Colin Smith, Administrative Rules Coordinator; fiscal staff; caucus staff; and other interested parties.
- Convened Rep. Pettengill convened the meeting at 9:05 a.m.
- Fiscal overview** Christin Mechler presented the LSA fiscal report. Also representing the LSA fiscal services division were fiscal analysts Jess Benson and Jeff Robinson.
In response to a question from Rep. Pettengill regarding ARC 3389C, Mr. Benson explained that the increase in administrative costs is due to a loss of federal Medicaid funding. In response to questions from Rep. Pettengill and Sen. Costello regarding ARC 3353C, Mr. Benson addressed the elimination of the three-month retroactive eligibility, the basis for the calculations, and the likely update of the fiscal impact to account for the exception for children up to the age of one year and for pregnant women. In response to a question from Sen. Chelgren regarding ARC 3430C, Mr. Robinson provided the fiscal note for an annual \$1 million expenditure related to the property assessment appeal board sunset Act.

HUMAN SERVICES DEPARTMENT Nancy Freudenberg, Deb Johnson and Wendy Rickman represented the department. Other interested parties included Susan Cameron and Brent Willett on behalf of the Iowa Health Care Association, Pat Stillwell on behalf of On With Life, Jeff Steggerda on behalf of Brighton Consulting Group, Kim Murphy on behalf of the Iowa Hospital Association, and Flora Schmidt on behalf of the Iowa Behavioral Health Association.

Committee review of emergency rule making The department presented for review, as a courtesy, notice of its intention to propose under Notice of Intended Action and simultaneously to adopt by Emergency, pursuant to 2017 Iowa Acts, House File 653, section 93, a rule making to discontinue the application of the retrospectively limited cost settlement methodology and to implement tiered rates for providers of supported community living (SCL), day habilitation, and adult day care services for persons with an intellectual disability under the home- and community-based (HCBS) services waiver program.

Discussion pertained to determination of rates and due process, availability of assessment scores, assurance that the plan will meet members’ needs, adequacy of payment level, and the need for a sufficient number of providers.

In response, Ms. Freudenberg stated that the department would look into the court ruling in New Mexico related to the use of assessments and that due process is allowed for in the rules. Ms. Johnson stated that the assessment scores are provided through the case manager and had been distributed the previous Friday. She also stated that case managers are empowered to create an accurate plan for the member separate from the funder that authorizes the plan. Regarding a provider’s refusal to treat a member, Ms. Johnson explained that a provider will not discharge a member until another provider is found. She assured the committee that the department is working with the MCOs to ensure a sufficient number of providers and that tiered rates will allow providers more flexibility to serve the population for which they are responsible.

Sen. Costello asserted that the assessment scores should, as a matter of course, be made available to providers and to parents and guardians.

- ARC 3354C No action on amendments to chs 75 and 76 pertaining to family planning services.
- ARC 3358C No action on amendments to 79.3(2)“d” regarding alternative means for providing documentation of services by Medicaid providers.

Human Services Department (continued)

- ARC 3374C Proposed amendments to ch 78 pertain to home-delivered meals under the HCBS waiver.
- In response to a question from Rep. Pettengill, Ms. Freudenberg stated that the amendments are intended to curtail delivery of excess meals; that the department is in the process of identifying and recouping overpayments; that depending on the amount of overpayment, a provider could be penalized for overbilling or overpayments could be deducted from future service billing; and that the ultimate penalty is sanction and removal from the program. Rep. Olson requested that the department keep the committee apprised of the number of providers that overbill for meals, including whether the overbilling was intentional or was an oversight; the amount of overpayments; the success in recouping overpayments; the penalties imposed; and the number of providers that are sanctioned and removed.
- ARC 3375C Proposed amendments to 74.1 concern the Iowa health and wellness plan.
- In response to an inquiry from Rep. Pettengill, Ms. Freudenberg explained that the department is ensuring a member's access to the member's primary care provider, who will coordinate the member's care.
- ARC 3389C No action on amendments to ch 7 and the adoption of ch 87, family planning program.
- In response to an inquiry from Sen. Chelgren, Ms. Freudenberg stated that proof of Iowa residence and of U.S. citizenship is the same as that for the predecessor program and provided examples of types of proof of Iowa residence and U.S. citizenship.
- ARC 3419C No questions on a proposed amendment to 78.36(4)"b"(1) pertaining to a Medicare election of hospice benefits.
- ARC 3353C Amendments to chs 74 to 76 concern the elimination of the three-month retroactive Medicaid coverage benefit provisions for initial applications and applications to add new household members.
- Ms. Freudenberg explained that pursuant to 2017 Iowa Acts, House File 653, the department requested a waiver from the Centers for Medicare and Medicaid Services (CMS) to eliminate the retroactivity provisions as a cost-containment measure. She reported that CMS approved the waiver with the exception of infants up to the age of one year, pregnant women and postpartum women and that the department will promulgate new rules to implement these exceptions. Ms. Rickman explained that based on the revised policy, Medicaid eligibility will begin on the first day of the month in which application is made.
- Discussion pertained to the fiscal impact and the effects of the elimination of three-month retroactive eligibility on clients and providers and to the conformity of the rules with House File 653.
- Ms. Rickman explained the origin of the data in the fiscal report, which reflects retroactive eligibility over one year coded over all coverage groups, and the savings to the state with and without the inclusion of retroactive eligibility for children. She also explained the difference between retroactive eligibility and the 90-day reconsideration period and added that, from a practice perspective, the removal of three-month retroactive eligibility conforms to the private insurance market in which insurance coverage cannot be acquired after an illness or injury is incurred. Ms. Rickman also stated that state dollars, federal dollars and total dollars were all part of the initial projection. She confirmed for Sen. Chelgren that the rules accurately reflect the law.
- Ms. Cameron concurred that the rules conform to the law but explained that the policy change affects the entire Medicaid population, including a fiscal impact on facilities and potential harm to clients and access to care. Mr. Willett provided an analysis of a representative provider's multifacility data to counter the department's fiscal analysis. In addition, he stated that the policy change will erode access to long-term care, supports and services; cause facilities to accept fewer clients; hinder the search for alternate placements; and accelerate cost shifting to private pay clients. Mr. Stillwell explained the effect of the change in policy on a comprehensive rehabilitation facility, including potential difficulty with the application process, and described the unique needs of clients with catastrophic injuries and the clients' families.

Human Services Department (continued)

- Mr. Steggerda summarized the fiscal analysis of the retroactive eligibility data of 55 specific providers and stated that the department's fiscal analysis is understated. Ms. Murphy stated that the true fiscal impact of the legislation is unclear and that hospitals must treat all patients whether or not they have insurance coverage. Ms. Schmidt stated the belief that the costs will shift back to providers. All commenters requested that the rules be suspended.
- Motion to object Sen. Jochum moved a 180-day sunset, or objection, on the emergency rule making. At the request of Rep. Pettengill, Mr. Ewing explained that on a motion to impose a 180-day sunset on an emergency rule, upon a two-thirds vote, 180 days from the date the objection is filed, the rule would cease to be effective, and if that motion passed, the committee could with another two-thirds vote suspend the rule until the sunset occurs. In other words, Mr. Ewing stated the first vote is for a 180-day sunset and the second vote is to suspend the rule until the 180 days elapse. He further explained that the objection portion is the committee's objection to emergency rule making in this context and, as a result, if the objection passed and there were to be litigation specifically related to the department's use of emergency rule making, the department would have to prove that its use of emergency rule making was lawful. Mr. Ewing also reminded the committee that the filing is a double barrel; thus, the Notice of Intended Action, which was also reviewed and will follow the regular rule-making process, could be adopted by the department at a later date and will be reviewed by the committee, with the committee's normal powers applicable, as noted by Rep. Pettengill.
- Sen. Costello stated that the rules conform to the law and that he would continue to monitor the issue when the legislature reconvenes. Rep. Vander Linden stated that though the committee may not agree with the statute, it is not within the authority of the committee to overturn the will of the legislature and that he would join other legislators in reviewing the statute when the legislature reconvenes. Sen. Chelgren stated that though he respects the motion by Sen. Jochum, he explained that the first vote would put the state and the department at legal risk and the second vote would become a legislative veto of an executive branch action with which he disagrees. He concluded that though he supports a change in the statute, he could not support the motion. Rep. Pettengill expressed concern about placing the department at legal risk and opposition to the objection. Rep. Nielsen stated that the uncertainty regarding the intent of the legislation is sufficient reason to object to and suspend the rule so that the legislature can clearly state its intent when it reconvenes.
- Motion failed On a roll call vote of four to five, the motion failed.
- Sen. Costello requested that the disparity between the fiscal analysis from the department and LSA and from the industry be provided to the committee. Sen. Chelgren requested that interested parties provide a reasonable time frame for completion of an application for Medicaid.
- WORKERS' COMPENSATION DIVISION** Heather Palmer represented the division. Other interested parties included Nicole Crain on behalf of the Iowa Association of Business and Industry (ABI).
- ARC 3414C Proposed amendments to chs 1 to 6, 8 and 12 pertain to evaluation of permanent impairments, vocational training and education, suitable work, and communications. In response to questions from Reps. Pettengill and Nielsen and Sen. Chelgren, Ms. Palmer clarified that funds for obtaining a high school equivalency diploma may be disbursed from the \$15,000 allowed by statute under vocational training and education program; that no requests for benefits under the program have been received thus far; that the department of workforce development is charged with determination of the applicants' eligibility for the program; that hearings may be held in Des Moines, by telephone and through a new telephonic appearance system called CourtCall; and that because funding was not appropriated, the 2.0 FTE positions referred to in the fiscal analysis of 2017 Iowa Acts, House File 518, may not be filled.
- Ms. Crain thanked the department for its work on the rules and, in reference to Item 14, expressed the hope that as much of the \$15,000 as possible be used for postsecondary training to enable an employee to return to work at a salary equivalent to that earned before the injury occurred.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT Margaret Thomson represented the department.

ARC 3359C No questions on proposed amendments to 40.3 pertaining to vegetable seed labeling.

ARC 3403C No questions on proposed amendments to ch 47 regarding organic certification.

UTILITIES DIVISION Matt Oetker represented the division.

ARC 3416C Proposed amendments to ch 24 pertain to the generation of certificate dockets and to notice requirements related to any potential request for the power of eminent domain. Rep. Pettengill commended the requirement for listing the names and addresses of owners and lessees of record of real property for which the applicant seeks the use of eminent domain. In response to an inquiry from Rep. Nielsen, Mr. Oetker explained that the changes, which are part of the review process, are designed to provide ample notice to interested parties and sufficient information for the board's evaluation and review.

ARC 3417C No questions on proposed amendments to ch 2 regarding documents and forms filed with the utilities board.

ARC 3418C No questions on proposed amendments to ch 4 concerning declaratory orders.

ECONOMIC DEVELOPMENT AUTHORITY Jennifer Klein represented the authority.

ARC 3377C No questions on proposed amendments to ch 48 regarding the workforce housing tax incentives program.

ARC 3378C No questions on proposed ch 52, Iowa targeted small business certification program.

ARC 3383C No action on amendments to chs 5, 7 to 9, 20 and 58 pertaining to career and technical skill assessment services and testing.

ARC 3384C No action on ch 45, community catalyst building remediation program.

ARC 3385C No action on amendments to 59.15(3) and 68.4 pertaining to enterprise zone agreements and to new investments.

ARC 3386C No action on an amendment to 110.4(1) regarding the maximum employer award amount under the STEM internship program.

IOWA FINANCE AUTHORITY Mark Thompson represented the authority.

ARC 3423C No action on amendments to ch 24 pertaining to the home and community-based services rent subsidy program.

ARC 3424C No action amendments to ch 27 regarding the military service member home ownership assistance program.

ARC 3425C No action on amendments to ch 39 concerning the HOME investment partnerships program.

Rep. Pettengill thanked the authority for listening to stakeholders' comments.

ARC 3426C No action on amendments to ch 41 pertaining to the shelter assistance fund.

ARC 3427C No action on amendments to ch 42 regarding the emergency solutions grant program.

EDUCATION DEPARTMENT Nicole Proesch, Phil Wise and Jeremy Varner represented the department.

Other interested parties included Dave Stone on behalf of United Way of Central Iowa.

ARC 3364C No questions on a proposed amendment to 36.15(3) pertaining to an exception to the general transfer rule to ensure that homeless students have access to extracurricular activities.

Rep. Pettengill expressed appreciation for consistency in department policy across programs.

ARC 3365C Proposed ch 32 pertains to the high school equivalency diploma.

In response to a question from Rep. Pettengill, Mr. Varner stated that there is one department-approved test used statewide. In response an inquiry from Sen. Horn, Mr. Varner and Mr. Wise stated that the standards for achieving a high school equivalency diploma must be as rigorous as those required for a high school diploma.

Mr. Stone expressed support for the rules and commended the benefits of the diploma, including closing the skills gap in the state, enabling qualified employees to enter the workforce, and providing financial stability and independence to families.

ARC 3387C No action on amendments to chs 14 and 41 relating to school mental health services and to special education.

COLLEGE STUDENT AID COMMISSION Julie Leeper represented the commission.

- ARC 3381C No action on amendments to ch 8, all Iowa scholarship program, and the rescission of ch 9, all Iowa opportunity foster care grant program.
- ARC 3382C No action on ch 11, Iowa tuition grant program—for-profit institutions.

INSPECTIONS AND APPEALS DEPARTMENT David Werning and Sam Langholz represented the department.

- ARC 3407C No questions on the proposed adoption of ch 9 and amendments to chs 10, 30, 50, 57, 58, 62 to 65, 67, 90, 100, 105 and 106 pertaining to contested cases and to rules of procedure and practice before the administrative hearings division.
- ARC 3408C Proposed amendments to 10.1 and 10.29 and proposed ch 15 pertain to the Iowa code of administrative judicial conduct. In response to a question from Rep. Jones regarding reasonable compensation for extrajudicial activities in 15.3(12), Mr. Langholz stated that the code of conduct for administrative law judges in the executive branch mirrors that of the judicial branch and that because the code applies across all state agencies, supervisors and the governor, in the case of agency heads, would conclude how the standard for reasonable compensation applies.
- ARC 3390C Amendments to 56.7 and 56.10 pertain to factors determining the imposition of citations and fines.
- In response to an inquiry from Rep. Pettengill, Mr. Werning explained that the use of the table, Class I Fine Calculation, in 56.10(2) would not lead to larger fines and would instead lead to more objective calculations and that there exists mitigation for individual cases. In addition, he estimated that a review to determine if the use of the table has a fiscal impact could be conducted in six months.

ENVIRONMENTAL PROTECTION COMMISSION Kelli Book represented the commission.

- ARC 3388C Proposed amendments to 65.16(3)“b” concern electronic submittal of manure management plan updates and associated fees.
- At the request of Sen. Jochum, Ms. Book will provide the committee with the complete jobs impact statement.

PUBLIC HEALTH DEPARTMENT Susan Dixon represented the department.

- ARC 3350C No questions on the proposed rescission of ch 75, statewide obstetrical and newborn indigent care program.
- ARC 3351C No questions on the proposed rescission of ch 82, office of minority and multicultural health.
- ARC 3352C No questions on the proposed rescission of ch 206, Iowa health information network.
- ARC 3379C No questions on the termination of proposed amendments to ch 154, medical cannabidiol Act registration card program.
- ARC 3392C No action on amendments to ch 12 pertaining to prospective private sector employee drug testing, including the addition of “hair” to the definition of “sample” and an update of references to forensic drug testing.
- ARC 3393C No action on amendments to 41.6(4) regarding notification requirements for mammogram reports.
- At the request of Rep. Pettengill, Ms. Dixon will provide a copy of the letter to patients which has been revised to add to the report the patient’s breast density and resulting risk of cancer incidence and impacts on mammography interpretation related to increased tissue density.
- ARC 3394C No action on amendments to ch 100 concerning vital records, specifically, reporting of terminations of pregnancy.
- ARC 3395C No action on the rescission of ch 112, biological agent risk assessment.
- ARC 3396C No action on amendments to ch 143 concerning the automated external defibrillator program.
- ARC 3397C No action on an amendment to 186.2, which updates the definition of “local board of health.”
- ARC 3398C No action on the rescission of ch 201, organized delivery systems.

PROFESSIONAL LICENSURE DIVISION Venus Vendoures Walsh and Judy Manning represented the division.

- ARC 3363C Proposed amendments to ch 351 pertain to the licensure of athletic trainers. In response to a question from Sen. Horn, Ms. Walsh stated that an athletic trainer works under the supervision of a physician and that the trainer's plan must be in writing and records must be maintained to document the trainer's work.
- ARC 3372C Proposed amendments to chs 60, 61 and 64 concern the licensure of practitioners and establishments and to continuing education related to cosmetology arts and sciences. In response to questions from Rep. Pettengill, Ms. Walsh explained the renewal notification process by email and offered to do a mass mailing to licensees by U.S. mail; explained the use of the complete name of the board in the definition of "salon license"; and stated that 61.12(2) and 61.12(4) address the physical space requirement for single discipline schools. In response to a request from Rep. Pettengill, Ms. Walsh agreed that the board would review the change from "postmarked" to "received in the office" in 61.8(4), noting that the change had been proposed by the board because the renewal application is available online.
- ARC 3409C No questions on proposed amendments to chs 121 to 124 regarding licensure procedures for hearing aid specialists.
- ARC 3410C No questions on proposed amendments to chs 300, 303 and 304 pertaining to licensure, continuing education and discipline of speech pathologists and audiologists.
- ARC 3428C No action on amendments to 180.2(1) and 182.3 pertaining to optometrists, specifically, application for licensure and contact lens and spectacle lens prescriptions.

MEDICINE BOARD Mark Bowden represented the board.

- ARC 3360C No questions on proposed 13.13 pertaining to standards of practice related to experimental treatments for patients with a terminal illness.
- ARC 3361C Proposed 13.14 concerns standards of practice related to tick-borne disease diagnosis and treatment. Rep. Pettengill requested that the board review the language of 13.14(5)"c" to ensure that it is not restrictive of treatment for Lyme disease.
- ARC 3368C No questions on proposed amendments to ch 9 regarding permanent and administrative medicine physician licensure.

PHARMACY BOARD Terry Witkowski represented the board.

- ARC 3369C No questions on a proposed amendment to 2.2(1) pertaining to the provision of ITIN and proof of presence related to pharmacist licensure by examination.
- ARC 3370C No questions on proposed amendments to chs 5 and 11 regarding registration of services programs that provide controlled substances and to an update of cross references.
- ARC 3371C No questions on proposed amendments to 8.20 concerning the dispensing of remaining prescription refills at the end of a prescriber/patient relationship.
- ARC 3373C No questions on proposed ch 28, agency procedure for rule making.

PUBLIC SAFETY DEPARTMENT Barb Edmondson represented the department.

- ARC 3411C No questions on proposed amendments to ch 205 related to the adoption by reference of the 2012 life safety code. Rep. Pettengill commended the department for its work related to another subject, carbon monoxide alarms and, in response, Ms. Edmondson summarized the status of rule making related to that subject.

REVENUE DEPARTMENT Tim Reilly and Jessica Norris represented the department.

- ARC 3429C No action on amendments to 46.3(3) concerning an extension of the deadline for the electronic filing of W-2 and 1099 forms by businesses.
- ARC 3430C No action on amendments to ch 126 pertaining to the property assessment appeal board.
- ARC 3413C No questions on proposed amendments to 43.4 regarding optional designations of funds by taxpayers.

TRANSPORTATION DEPARTMENT Melissa Spiegel, Tom Bruun, Robert Younie, Tammy Nicholson and Tom Reis represented the department.

Committee review of emergency rule making Ms. Spiegel presented the department's request to propose under Notice of Intended Action and simultaneously to adopt by Emergency a rule making regarding the amendment of the planting and harvesting periods set forth in 520.8. Ms. Spiegel explained that federal hours-of-service limits established by the Federal Motor Carrier Safety Administration (FMCSA) apply to commercial drivers operating commercial vehicles but that drivers for certain agricultural operations are exempted from the hours-of-service limits during the planting and harvesting periods established by each state, which in Iowa are from March 15 through June 30 and from October 4 through December 14. Ms. Spiegel stated that these limited time periods have proven too restrictive and inflexible and that several nearby states are addressing or have addressed the restriction and inflexibility by defining their planting and harvesting period to extend throughout the year, from January 1 to December 31, an approach that FMCSA has approved and accepted. Ms. Spiegel stated that this change will also make the declaration of the planting and harvest period match the declaration of the same period made for restricted commercial driver's licenses (CDLs) issued to suppliers or employees of suppliers of agricultural inputs that allow the CDL holder to operate a commercial motor vehicle during the planting and harvest period without applying and testing for a full CDL. In addition, Ms. Spiegel explained that the hours-of-service limits will be affected by a new FMCSA regulation effective on December 18, 2017, which will require electronic logging devices to be installed in commercial vehicles operated by commercial drivers and that the purpose of the device will be to electronically record hours of service and establish an electronic record for enforcement purposes. She explained that the amendments to 520.8 will allow commercial drivers for certain agricultural operations to take advantage of the seasonal exemptions that are already allowed in order to avoid the unnecessary investment in electronic logging devices.

Committee members expressed concern about public safety, which could be affected given that a driver without a logging requirement could drive 24/7 and is only restricted by the driver's self-imposed restriction not to drive when the driver is ill or fatigued. Members questioned the necessity of emergency rule making given that the regular rule-making process could be followed because the current harvest end date is December 14, 2017, and the FMCSA regulations go into effect on December 18, 2017. Members also discussed the use of paper logs versus electronic logging devices and the cost of the devices and the favor that the regulations seem to provide to agriculture.

In response, Ms. Spiegel explained that the exemptions related to agriculture are built into the FMCSA regulations and that the change in the planting and harvesting period will enable drivers subject to the already-established FMCSA exemptions to compete with agricultural businesses and carriers within a 150-mile radius of their origination point, a radius that includes nearby states. Mr. Bruun described the enforcement actions that federal regulators will take on and after the December 18, 2017, deadline, and Ms. Spiegel explained that the delay in initiating rule making and request for emergency rule making was due to the department's uncertainty about the timing of the final federal rule. Mr. Bruun explained that the electronic logging devices are required for model year 2000 vehicles and above, that the cost of an electronic logging device is approximately \$300 to \$1000 per vehicle, and that the exemptions for agricultural-related drivers and vehicles are set forth in the FMCSA regulations.

Motion to approve

Sen. Costello moved approval of the emergency rule making.

Motion carried

On a roll call vote of six to three, the motion carried.

Rep. Pettengill expressed the hope that Governor Reynolds might provide comments to the federal Department of Transportation to reverse the requirement for electronic logging devices. Sen. Chelgren cautioned the department not to promulgate emergency rules unless the statute so provides and not to request that the committee make a decision regarding emergency rule making without sufficient information.

ARC 3366C

No questions on proposed amendments to chs 105 and 106 and the proposed rescission of ch 123 pertaining to holiday rest stops and rest areas and to the rest area sponsorship program.

Transportation Department (continued)

- ARC 3367C No questions on proposed amendments to ch 150 regarding improvements and maintenance on primary road extensions.
In response to a question from Sen. Horn, Mr. Younie stated that ch 150 does not address the use of traffic cameras.
- ARC 3399C No action on the rescission of ch 110, highway project planning.
- ARC 3400C No action on the rescission of ch 125, general requirements and covenants for highway and bridge construction.

WORKFORCE DEVELOPMENT DEPARTMENT David Steen and Emily Chafa represented the department.

- ARC 3401C No action on amendments to chs 22 to 24 pertaining to employer records, reports, contribution and charges; claims; and benefits.
- ARC 3402C No action on amendments to chs 23 and 25 regarding employer contribution and charges and cash value of room and board.
- ARC 3421C No questions on proposed 26.13, subpoenas for witnesses and documents.
- ARC 3380C No questions on an amended notice to add a public hearing regarding proposed amendments to chs 23 and 24 pertaining to employer contribution and charges and to claims and benefits.
- ARC 3432C No questions on an amended notice to correct the date of the public hearing published in ARC 3380C.

LABOR SERVICES DIVISION Kathleen Uehling represented the division.

- ARC 3415C No questions on proposed amendments to ch 3 pertaining to the OSHA civil penalty structure.

AGING, DEPARTMENT ON Brian Majeski represented the department.

- ARC 3376C Proposed 23.7(5) and 23.7(6) pertain to training requirements for options counselors. In response to questions from Rep. Pettengill, Mr. Majeski addressed the cost of the new and better product for person-specific training and the requirements for continuing education intended to provide options counselors with consistent review of their professional training.

Committee business The minutes of the October 10, 2017, meeting were approved.
The next meeting was scheduled for Tuesday, December 12, 2017, at 9 a.m.
Mr. Ewing introduced Amber Shanahan-Fricke, new secondary legal counsel to the committee.
In response to a committee request at the October meeting, Mr. Ewing reported on the status of the six petitions for rule making submitted this year, noting that four petitions have been declined, one was recently filed and is under consideration, and one is the subject of ongoing discussions. He added that the agencies that received the petitions for rule making responded promptly to his request.

Adjourned The meeting was adjourned at 2 p.m.

Respectfully submitted,

Stephanie A. Hoff

APPROVED:

Chair Dawn Pettengill

Vice Chair Mark Chelgren