



Fiscal Services Division

ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

January 8, 2019

Iowa Code section 17A.4(4) requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at <https://www.legis.iowa.gov/publications/fiscal/adminRulesFiscalImpact>.

With each rule summary, the 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**).

Table of Contents	
Agency	Page
Department of Human Services	1
Department of Administrative Services	4
Department of Agriculture and Land Stewardship	5
Engineering and Land Surveying Examining Board	5
Real Estate Appraiser Examining Board	6
Department of Commerce/Utilities Division	6
Department of Corrections	6
Arts Division	7
Economic Development Authority	7
Iowa Finance Authority	7
Department of Education	8
Board of Educational Examiners	11
Department of Inspections and Appeals	11
Department of Inspections and Appeals/Racing and Gaming Commission	12
Environmental Protection Commission	12
Department of Public Health	13
Board of Medicine	13
Board of Pharmacy	13
Department of Transportation	16
Department of Workforce Development	16
Labor Division	17
Department of Revenue	17
College Student Aid Commission	20
Professional Licensure Division	21
Dental Board	22

Department of Human Services

Rule Summary

Allows behavior analysts and assistant behavior analysts who are licensed pursuant to Iowa Code chapter 154D to be paid for behavioral health services provided to recipients of Medicaid. Allows provisionally licensed psychologists, temporarily licensed marital

ARC 4165C (AF)

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

2

and family therapists, and temporarily licensed mental health counselors who are licensed pursuant to Iowa Code section 154D.7 payment for behavioral health services provided to recipients of Medicaid.

State or Federal Law Implemented: Iowa Code section 249A.4 and 2018 Iowa Acts, SF 2418, sections 135 and 136 (FY 2019 Health and Human Services Appropriations Act).

Fiscal Impact **Agency Response:** Minimal fiscal impact. The changes may allow Medicaid members additional access to behavioral health services; however, any fiscal impact is expected to be minimal. Medicaid currently allows behavioral analysts and assistant behavioral analysts to provide services, but the supervising authority must do the billing. The rule changes will allow for these two professional types to bill Medicaid directly. Since the Medicaid program is already incurring these costs, minimal impact is expected. The changes adding provisionally licensed psychologists, temporarily licensed marital and family therapists, and temporarily licensed mental health counselors as eligible providers under Medicaid is expected to have minimal impact since it is consistent with current policy.

LSA Response: The LSA concurs.

ARC 4166C (AF)

Rule Summary Updates the adoption subsidy program to revise outdated language, revise eligibility criteria for special needs children, clarify allowable expenses under special services, and add a provision to suspend an adoption subsidy under defined circumstances.

State or Federal Law Implemented: Iowa Code section 234.6, Social Security Act sections 473(a)(4)(A) and (B), and 45 C.F.R. 205.10.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 4167C (AF)

Rule Summary Amends the subsidized guardianship program by removing a reference to a waiver and adding language to implement the federal Fostering Connections to Success and Increasing Adoptions Act. Adds a definition of “relative,” revises eligibility, and ties maintenance payment maximums to the foster family care maintenance rates.

State or Federal Law Implemented: Iowa Code section 234.6; 45 CFR 1356.21; and the Social Security Act, sections 472 and 473(d)(3).

Fiscal Impact **Agency Response:** The total estimated program cost in FY 2019 is \$198,000 (\$133,000 General Fund, \$65,000 federal), and the estimate for FY 2020 and beyond is \$592,000 (\$397,000 General Fund, \$195,000 federal).

LSA Response: The LSA concurs. The FY 2019 Health and Human Services Appropriation Act (SF 2418) includes a projected \$1.4 million in adoption subsidy projected savings, with \$133,000 for the subsidized guardianship program and the remainder for the Treatment Outcome Package (TOP) Screening Tool used by the Department.

With the 2008 federal Fostering Connections to Success and Increasing Adoptions Act, the federal government began phasing out the income eligibility requirements for Title IV-E Adoption Assistance, allowing more children to qualify for the federally funded portion of the program. States are required to spend any savings derived from this federal expansion on child welfare services. This unfunded adoption reinvestment obligation exists with or without this rule change, and is currently estimated at \$3.7 million. There are no federal deadlines yet for spending the savings dollars, but a delay

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

3

in finding a qualifying way to fulfill the State's required reinvestment spending will create a larger unfunded obligation in the future.

ARC 4208C (AF)

Rule Summary Restores a three-month retroactive Medicaid coverage benefit for a Medicaid applicant who is otherwise Medicaid-eligible and is a resident of a nursing facility licensed under Iowa Code chapter 135C.

State or Federal Law Implemented: Iowa Code section 249A.4 and Senate File 2418 (FY 2019 Health and Human Services Appropriations Act).

Fiscal Impact **Agency Response:** This change is estimated to cost the State \$140,000 in FY 2019 and FY 2020. Funding was provided as part of SF 2418.

LSA Response: The LSA concurs.

ARC 4209C (AF)

Rule Summary Expands the eligibility criteria for Health and Disability waiver participation. Creates a process for requesting an increase in the waiver budget.

State or Federal Law Implemented: Iowa Code section 249A.4 and 42 U.S.C. §1396n(d).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 4219C (NOIA) & ARC 4220C (AFE)

Rule Summary Removes the specific assistance standard amounts for State Supplementary Assistance and amends the Assistance Standards definition to include the legal citation to pass-along cost-of-living adjustments (COLA) in accordance with federal law. Cost-of-living adjustment changes are effective January 1 each year.

State or Federal Law Implemented: Iowa Code section 249A.4, 20 CFR §416.2095, and 20 CFR §416.2096.

Fiscal Impact **Agency Response:** Minimal fiscal impact. These annual, federal changes include various updates to personal needs allowance (PNAs), member copayments, and cost-of-living adjustments (COLAs), such as:

- A \$4 increase in the Residential Care Facilities (RCF) PNA, from \$99 to \$103. This increase is based on a 2.8% COLA increase.
- A Family Life Home PNA increase of \$17, which is offset by the \$4 increase in the PNA deduction and \$21 increase in Supplementary Security Income (SSI) payment. The recipient will pay up to \$17 more due to the \$21 increase in income and the \$4 increase in the PNA.
- Copayments for RCF recipients are estimated to increase to \$1.71, an increase of \$0.81 compared to the previous copayment amount of \$0.90.
- Maximum monthly payments for recipients of Dependent Person assistance will increase by \$11, for \$387 to \$398. Each Dependent assistance recipient will receive up to an \$11 increase, resulting in an increase in State expenditures. This increase is expected to be offset by the declining number of anticipated recipients. Additionally, most recipients do not qualify for the maximum payment amount.

LSA Response: The LSA concurs.

ARC 4207C (AF)

Rule Summary Requires the Mental Health and Disability Services (MHDS) regions to initiate new core services, expand the core services the regions currently provide, meet new access

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

4

standards for these services, and include the service changes in their service, budget planning, and reporting by a specified date. The regions must also collaborate to ensure that core services are available in minimum numbers strategically located throughout the State. Establishes new and revised service standards for providers of comprehensive crisis services, subacute mental health services, and intensive mental health services. Provides a broader and more accessible statewide array of crisis and intensive mental health services to individuals with serious mental illness and other individuals experiencing a mental health or substance use crisis.

State or Federal Law Implemented: Iowa Code section 225C.6 and HF 2456 (Mental Health, Complex Service Needs Workgroup Report Act).

Fiscal Impact **Agency Response:** The increased utilization of services due to the changes made in HF 2456 is estimated to increase General Fund Medicaid expenditures by \$821,000 in FY 2019 and \$6.0 million in FY 2020. In addition, the changes are also estimated to increase regional MHDS expenditures by \$4.3 million in FY 2019 and \$10.0 million in FY 2020. Senate File 2418 (FY 2019 Health and Human Services Appropriations Act) provided \$876,000 to fund the FY 2019 increase in Medicaid expenditures and Department of Inspections and Appeals survey and certification of subacute facilities. The increase in regional MHDS expenditures will primarily be covered by current county mental health property tax fund balances.

LSA Response: The LSA concurs.

LSA Staff Contact: Jess R. Benson (515.281.4611) jess.benson@legis.iowa.gov
Kent Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov

Department of Administrative Services

Rule Summary **ARC 4180C (AF)**
Requires that the Department of Administrative Services establish rules and procedures requiring applicants applying for both nonmerit and merit-covered Executive Branch positions to disclose in the application for employment whether the applicant has filed a registration statement pursuant to the federal Foreign Agents Registration Act of 1938.

State or Federal Law Implemented: Iowa Code sections 8A.403 and 8A.413(5A) and 2018 Iowa Acts, SF 2323 (State Officials and Employees—Foreign Agent Registration Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4181C (AF)**
Updates capitol complex hours of operations, as well as policies and procedures for making the Capitol building available to the public while the Legislature is in session.

State or Federal Law Implemented: Iowa Code sections 8A.322 and 17A.7.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4182C (AF)**
Provides updates on procurement policies and procedures relating to state employee driving guidelines, procurement of goods and services of general use, and purchasing standards for service contracts.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

5

State or Federal Law Implemented: Iowa Code sections 8A.104, 8A.311, 17A.7, 26.3, and 26.9.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Christopher Ubben (515.725.0134) Chris.Ubben@legis.iowa.gov

Department of Agriculture and Land Stewardship

ARC 4150C (NOIA)

Rule Summary Amends Iowa Code references to federal regulations for the Meat and Poultry Inspection Program. The federal regulations relate to roasting chickens, trichinae destruction requirements, and canned meats.

State or Federal Law Implemented: Iowa Code chapter 189A and Iowa Code section 159.5.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 4151C (NOIA)

Rule Summary Establishes two noxious weed priority lists. One list identifies the noxious weeds for eradication and the other list identifies the noxious weeds for control purposes.

State or Federal Law Implemented: House File 2422 (Management of Noxious Weeds Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Deb Kozel (515.281.6767) deb.kozel@legis.iowa.gov

Engineering and Land Surveying Examining Board

ARC 4206C (AF)

Rule Summary Amends the requirement for the Fundamentals of Engineering examination waiver qualification from 25 years to 10 years or more of work experience that is satisfactory to the Board, updates references to the now computer-based Fundamentals of Engineering and Principles of Practice of Engineering examinations, and updates the continuing education requirements for biennial licensure renewal. Also amends rules related to comity applications, practical experience requirements, recordkeeping, compliance review, and the management of complaints and professional misconduct.

State or Federal Law Implemented: Iowa Code chapter 542B.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Angel A. Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

6

Real Estate Appraiser Examining Board

ARC 4169C (AF)

Rule Summary Amends requirements under the education and experience portion of the Real Property Appraiser Qualification Criteria for real property appraisers to obtain a State certification.

State or Federal Law Implemented: Iowa Code chapter 543D.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Angel A. Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Department of Commerce/Utilities Division

ARC 4171C (AF)

Rule Summary Adds provisions regarding meter testing to eliminate the need for future waivers, updates customer service rules, and addresses issues regarding master metering.

State or Federal Law Implemented: Iowa Code sections 476.2, 476.6, 476.8, 476.20, 476.54, 476.66, 478.18, and 546.7.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 4173C (NOIA)

Rule Summary Updates natural gas pipeline inspection and hazardous liquid safety guidelines to comply with federal regulations.

State or Federal Law Implemented: Iowa Code chapters 476 and 479.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Angel A. Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Department of Corrections

ARC 4153C (NOIA) & ARC 4152C (AFE)

Rule Summary Eliminates outdated or redundant rules, updates Iowa Code language, and eliminates rules that are inconsistent or incompatible with statutes or other rules. Reflects changes to conform the rules to current, more efficient practices. All of the Department's rules were reviewed as part of the comprehensive five-year review required under Iowa Code section 17A.7.

State or Federal Law Implemented: Iowa Code section 17A.7.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

7

Arts Division

- Rule Summary** **ARC 4197C (NOIA)**
Removes rules for two programs that no longer exist (Artsafe and Art in State Buildings).
State or Federal Law Implemented: SF 516 (FY 2018 Standing Appropriations Act).
- Fiscal Impact** **Agency Response:** No fiscal impact.
LSA Response: The LSA concurs.

LSA Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov

Economic Development Authority

- Rule Summary** **ARC 4148C (NOIA)**
Establishes administrative rules for the Alternate Energy Revolving Loan Program, as overseen by the Energy Center Board.
State or Federal Law Implemented: Iowa Code sections 15.120 and 476.46.
- Fiscal Impact** **Agency Response:** No fiscal impact.
LSA Response: The LSA concurs.

- Rule Summary** **ARC 4149C (NOIA)**
Establishes administrative rules for the Iowa Energy Center Grant Program, as overseen by the Energy Center Board..
State or Federal Law Implemented: Iowa Code section 15.120.
- Fiscal Impact** **Agency Response:** No fiscal impact.
LSA Response: The LSA concurs.

- Rule Summary** **ARC 4203C (NOIA)**
Updates outdated terms and eliminates references to outdated or unused practices.
State or Federal Law Implemented: Iowa Code section 15.108.
- Fiscal Impact** **Agency Response:** No fiscal impact.
LSA Response: The LSA concurs.

LSA Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov

Iowa Finance Authority

- Rule Summary** **ARC 4168C (AF)**
Allows the Iowa Finance Authority (IFA) to allocate funds to financial institutions or other lenders to finance the purchase by individuals of manufactured homes sited on leased land in Iowa. The proposed rules have been modified since they were first noticed to allow nondepository lenders to participate in conjunction with a financial institution that is a depository institution.
State or Federal Law Implemented: 2018 Iowa Acts, HF 2480 (Manufactured Housing Revolving Loan Fund Act).
- Fiscal Impact** **Agency Response:** No fiscal impact.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

8

LSA Response: The LSA concurs.

Rule Summary Updates the Authority's address to 1963 Bell Avenue, Suite 200, Des Moines, Iowa, throughout its administrative rules. **ARC 4196C (NOIA)**

State or Federal Law Implemented: Iowa Code section 16.5.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary Updates and clarifies the allocation of private activity bonds and the application process. The proposed rules have been modified since they were first noticed to update the address of the Authority. **ARC 4210C (AF)**

State or Federal Law Implemented: Iowa Code chapter 7C.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary Implements changes required by 2018 Iowa Acts, SF 512 (Water Quality Act), including the creation of the Water Quality Financial Assistance Fund, which transfers 40.0% of the balance of the Fund to the Wastewater and Drinking Water Treatment Financial Assistance Program and 45.0% to the Water Quality Financing Program. The proposed rules have been modified since they were first noticed to include additional protections for communities that rely on ground water as their source of drinking water. **ARC 4211C (AF)**

State or Federal Law Implemented: Senate File 512 (Water Quality Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. No funding has been deposited into the Water Quality Financial Assistance Fund at this time. Fiscal Note estimates for FY 2019 indicate a transfer of \$2.0 million to the Water Quality Financial Assistance Fund, but at this time, no transfer has been made.

LSA Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov

Department of Education

Rule Summary Establishes a summer college credit program to be made available to eligible high school students in grades 9 through 12 during the summer months under the Future Ready Iowa initiative. Establishes a policy framework for these programs, including minimum components for a program; a department review process; a funding mechanism; and student, course, and institution eligibility criteria. **ARC 4155C (NOIA)**

State or Federal Law Implemented: 2017 Iowa Acts, chapter 172, section 50, as amended by 2018 Iowa Acts, chapter 1163, section 4.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs in part. While there is no additional fiscal impact to the State as a result of this rulemaking, 2018 Iowa Acts, chapter 1163, section 4,

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

9

includes an FY 2019 General Fund appropriation of \$600,000 that will fund the new initiative.

Rule Summary **ARC 4156C (NOIA)**
Adds an additional job classification to the shared operational functions eligible for supplementary weighting and extends the eligibility period. Changes district eligibility for additional weighting under concurrent enrollment for certain career and technical education courses.

State or Federal Law Implemented: HF 633 (School District Supplementary Weighting — Shared Operational Functions Act) and SF 475 (Regulation of Primary and Secondary Education — Miscellaneous Changes Act).

Fiscal Impact **Agency Response:** Fiscal impact cannot be determined. This may impact jobs that have shared functions and it may impact local districts' budgets.

LSA Response: The LSA concurs in part. The legislation the rulemaking implements (HF 633) may increase State school aid from the General Fund by \$1.0 million in FY 2020.

In FY 2019, 232 school districts are participating in operational sharing of certain job classifications with other school districts or AEAs. Under previous law, 139 of the 232 districts would have been ineligible for operational sharing in FY 2020, reducing State aid by an estimated \$12.3 million.

Under current law, with the extension of the operational sharing provision and the inclusion of social workers as an allowable shared operational function, it is estimated that weighting for operational sharing may increase by 5.0%, increasing State aid by \$1.0 million. For more information, see the [Fiscal Note for HF 633](#).

Additional legislation the rulemaking implements (SF 475) may further increase State school aid from the General Fund by between \$118,000 and \$183,000 by generating additional supplementary weighting for concurrent enrollment classes for school districts with less than 600 students enrolled. For more information, see the [Fiscal Note for SF 475](#).

Rule Summary **ARC 4157C (NOIA)**
Requires school districts to adopt protocols for suicide prevention and postvention and for the identification of adverse childhood experiences and strategies to mitigate toxic stress response.

State or Federal Law Implemented: 2018 Iowa Acts, SF 2113 (School Personnel, Child Suicide In-Service Training Act).

Fiscal Impact **Agency Response:** Fiscal impact cannot be determined.

LSA Response: The LSA concurs. The costs will be determined by the individual districts, based on decisions regarding training resources and the use of school time or noncontract time to provide the training. It is not possible to estimate the impact of choices made by individual school districts.

Rule Summary **ARC 4158C (NOIA)**
Removes the statewide cap on students enrolled in online schools, rearranges substantive requirements, and adds a requirement that the director maintain a list of private providers that meet the Department's standards for online courses. Providers desiring to be added to the list are to apply to the Department as required. Expands Iowa Learning Online to allow participation of students who receive private instruction. Permits school districts to provide coursework primarily online to open enrolled students.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

10

	<p>State or Federal Law Implemented: Iowa Code sections <u>256.7(32)</u>, <u>256.41</u>, <u>256.42</u>, <u>256.43</u>, and 2018 Iowa Acts, <u>SF 475</u> (Education Omnibus Act), <u>SF 2131</u> (Iowa Learning Online Initiative, Students Receiving Private Instruction, Online Working Group Act), and <u>SF 2415</u> (FY 2019 Education Appropriations Act).</p>
Fiscal Impact	<p>Agency Response: Fiscal impact cannot be determined. The fiscal impact of this rule depends on which districts take advantage of the new opportunities to offer online learning.</p> <p>LSA Response: The LSA concurs. School districts could experience additional costs depending on the choices that the districts make in implementing online education, but specific estimates cannot be determined at this time.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 4159C (NOIA)</u></p> <p>Allows individual pupils who participate in open enrollment to online education to participate in up to two cocurricular or extracurricular activities at their resident district. The changes allow districts to deduct up to \$200 per activity off of the open enrollment tuition out.</p>
	<p>State or Federal Law Implemented: Iowa Code section <u>282.18</u>.</p>
Fiscal Impact	<p>Agency Response: No fiscal impact.</p> <p>LSA Response: The LSA concurs. The number of students open-enrolling and who may choose to return to their resident districts for the purpose of cocurricular or extracurricular activities cannot be estimated at this time. No fiscal impact is expected.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 4160C (NOIA)</u></p> <p>Implements changes to how categorical funding for Iowa school districts can be expended, including but not limited to:</p> <ul style="list-style-type: none">• Allowable school district use of materials purchased for a home school assistance program.• Allowable uses of at-risk, returning dropout, early intervention, dropout prevention, and child care funds.• Changes regarding applications to the School Budget Review Committee for a modified supplemental amount (MSA) for at-risk, returning dropout, and dropout prevention programs.• Allows school districts to establish an unpaid meals account in its School Nutrition Fund.• Addresses textbook purchases for nonpublic schools that cease operating.
	<p>State or Federal Law Implemented: Iowa Code sections <u>257.41</u>, <u>297.22</u>, <u>298A.8</u>, and <u>298A.12</u>; and <u>HF 2441</u> (Regulation of Primary and Secondary Education and School District Funding Act) and <u>HF 2467</u> (School Meal Debt and School Meal Programs Act).</p>
Fiscal Impact	<p>Agency Response: Fiscal impact is unknown.</p> <p>LSA Response: The LSA concurs. Although there is no expected fiscal impact to the State, per the <u>Fiscal Note</u> for <u>HF 2467</u>, local School Food Authorities may have some increase in ongoing staff costs. Additionally, per the <u>Fiscal Note</u> for <u>HF 2441</u>, some school districts may generate a different amount of MSA for at-risk and dropout prevention programs; however, the impact on property taxes cannot be determined at this time.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 4163C (AF)</u></p> <p>Makes nonsubstantive clarifications to rules pertaining to career and technical education. Describes the process for programs that do not meet requirements. Implements provisions of <u>HF 648</u> (Career and Technical Education Programs and</p>

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

11

Partnerships Act) relating to disbursement, monitoring, and allowable uses of State career and technical education funds.

State or Federal Law Implemented: Iowa Code chapter 258.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

ARC 4164C (AF)

Rule Summary Establishes the minimum components for career information systems used by districts to support individual career and academic plans.

State or Federal Law Implemented: Iowa Code section 279.61.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Lora Vargason (515.725.2249) Lora.Vargason@legis.iowa.gov

Board of Educational Examiners

ARC 4147C (NOIA)

Rule Summary Clarifies the section of the Board's Code of Professional Conduct and Ethics pertaining to the violation of contractual obligations to eliminate sanctions for a teacher who provides notice requesting release from a contract prior to, in the vast majority of cases, June 30. Also removes sanctions for an administrator who hires a teacher under contract at another district or accredited nonpublic school as long as that teacher provided the required notice on the timeline referenced above.

State or Federal Law Implemented: Iowa Code section 272.2(1).

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Lora Vargason (515.725.2249) Lora.Vargason@legis.iowa.gov

Department of Inspections and Appeals

ARC 4162C (NOIA)

Rule Summary Adopts the 2018 Guidelines for Design and Construction of Residential Health, Care, and Support Facilities (Facility Guidelines Institute) as the minimum design and construction standards for licensed nursing facilities. Provides consistency in the design and construction of licensed nursing facilities.

State or Federal Law Implemented: Iowa Code sections 10A.104 and 135C.14.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Angel A. Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Department of Inspections and Appeals/Racing and Gaming Commission

ARC 4194C (AF)

Rule Summary Amends existing rules to implement 2018 Iowa Acts, House File 2349 (Excluded Gamblers, Racing and Gaming Commission Regulation Act), and 2018 Iowa Acts, House File 2439 (Horse Racing Regulation Act). House File 2349 amends existing rules regarding the process to allow a person to be voluntarily excluded from the wagering area of a racetrack enclosure and from the gaming floor. House File 2439 allows for the usage of animal hair in racing-related drug testing and updates language regarding Iowa-foaled horses with regard to racing procedures.

State or Federal Law Implemented: Iowa Code chapters 99D and 99F; 2018 Iowa Acts, House File 2349; and 2018 Iowa Acts, House File 2439.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs in part. Although the rulemaking itself has no fiscal impact, one of the pieces of the legislation it implements, HF 2349, does. Please note that the specific change referenced in the rulemaking, allowing the usage of animal hair for drug testing, does not have a fiscal impact; however, other requirements of HF 2349 do. For additional information, please see the Fiscal Note for HF 2349.

LSA Staff Contact: Angel A. Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov

Environmental Protection Commission

ARC 4178 (NOIA) & ARC 4221C (ANOIA)

Rule Summary Changes air quality rules in the Department of Natural Resources (DNR) so that the State rules match federal regulations and the same rules as ARC 4178. This allows the DNR, rather than the federal Environmental Protection Agency (EPA), to be the primary air quality agency in Iowa.

- Items 1 and 6 amend the definition of “EPA reference method” to adopt the technical corrections that EPA made to continuous methods for measuring air pollutant emissions.
- Item 15 adopts these federal updates into the methods and procedures for continuous monitoring systems.
- Item 2 adds a cross reference to the rules for nonattainment areas.
- Items 3, 4, 5, 7, 9, 10, and 11 update the location and mailing address for the Air Quality Bureau at the DNR.
- Item 8 establishes electronic submittal of the annual emissions inventories required under the Title V Operating Permit program beginning with the reports due by March 31, 2019.
- Item 12 adopts revised New Source Performance Standards (NSPS) and adopts the changes EPA made to the NSPS test methods, as explained in the description above for Items 1, 6, and 15.
- Item 13 adopts federal amendments to the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for the following source categories:
 - Phosphoric acid manufacturing and phosphate fertilizer production.
 - Offsite waste and recovery operations.
 - Chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills.
 - Portland cement manufacturing.
 - Wool fiberglass manufacturing.
- Item 14 adopts the federal emission guidelines for existing sewage sludge incineration units.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

13

State or Federal Law Implemented: Iowa Code section 455B.133.

Fiscal Impact **Agency Response:** No fiscal impact. The proposed changes will have a neutral fiscal impact on affected facilities, the public, counties, and local governments. Some of the rulemakings may benefit the private sector because they will streamline current air quality programs.

LSA Response: The LSA concurs.

LSA Staff Contact: Deb Kozel (515.281.6767) deb.kozel@legis.iowa.gov

Department of Public Health

ARC 4193C (AF)

Rule Summary Establishes a return-to-play protocol for returning a student to participation in any extracurricular interscholastic activity after the student shows signs, symptoms, or behaviors consistent with a concussion or other brain injury.

State or Federal Law Implemented: 2018 Iowa Acts, ch. 1131.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Kent Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov

Board of Medicine

ARC 4204C (NOIA)

Rule Summary Adds continuing education and training requirements for renewal or reinstatement to require “opioid” training and amends the training requirements for chronic pain management and end-of-life care for permanent or special license renewal.

State or Federal Law Implemented: Iowa Code chapter 272C and 2018 Iowa Acts, ch. 1138 (Opioid Regulation Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 4213C (AF)

Rule Summary Revises the minimum requirements for a physician who supervises a physician assistant at a remote medical site.

State or Federal Law Implemented: Iowa Code chapters 148 and 272C.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Kent Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov

Board of Pharmacy

ARC 4172C (ANOIA)

Rule Summary Requires all pharmacies to ensure adequate protection of pharmacy personnel and patients from hazardous drugs and encourages pharmacies to implement the standards identified in United States Pharmacopeial (USP) Chapter 800.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

14

The United States Pharmacopeial Convention establishes national minimum standards for a number of health care-related topics. USP General Chapter 800, which is enforced by the federal Food and Drug Administration, provides the national minimum standard for the proper handling of hazardous drugs to protect health care workers, patients, and the environment. Chapter 800 will become effective (enforceable) December 1, 2019.

State or Federal Law Implemented: Iowa Code sections 155A.2 and 155A.13.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary

Allows the Board to designate a pool of up to seven alternate members, subject to approval by the Governor, to hear contested case hearings when needed; adds a certified pharmacy technician to the composition of the Board; and makes technical corrections.

ARC 4188C (AF)

State or Federal Law Implemented: Iowa Code sections 147.14, 147.19, 155A.2A, 155A.3, and 155A.13C.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary

Permits a certified pharmacy technician to transfer a prescription for a noncontrolled substance to another pharmacy or receive a prescription transfer for a noncontrolled substance from another pharmacy. Allows a certified pharmacy technician to dispense a verified prescription which has been deemed to not require counseling to a patient while the pharmacist is on a break. Revises rule language relating to the electronic transfer of prescriptions in anticipation of enhanced technologies in pharmacy software system capabilities.

ARC 4189C (AF)

State or Federal Law Implemented: Iowa Code sections 155A.6A, 155A.33, and 155A.34.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary

Rescinds and replaces the chapter on the Prescription Drug Monitoring Program (PMP). Changes include:

ARC 4205C (NOIA)

- Requires prescribing practitioners to register with the PMP simultaneous to Controlled Substance Act (CSA) registration.
- The Board is authorized in Iowa Code to assess a surcharge up to 25.0% on CSA registrations to be deposited into the PMP Fund. No surcharge is included in these rules.
- Requires that dispensing of controlled substances by prescribers be reported to the PMP.
- Requires that administration of an opioid antagonist by a first responder be reported to the PMP.
- Makes technical changes to reorganize and simplify rules where appropriate.
- Requires that pharmacists involved in direct patient care also be required to register with the PMP simultaneous to licensure or renewal.
- Removes the specific maximum number of authorized delegates.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

15

State or Federal Law Implemented: Iowa Code sections 124.550, 124.551, 124.551A, 124.552, 124.553, 124.554, 124.555, 124.556, 124.557, 124.558, and 2018 Iowa Acts, ch. 1138 (Opioid Regulation Act).

Fiscal Impact **Agency Response:** Minimal fiscal impact. The Board is in the process of seeking a format by which first responders can submit data relating to the administration of an opioid antagonist. Per the Fiscal Note on the Opioid Regulation Act, this is anticipated to cost upwards of \$75,000. The Board is not anticipating implementation of the authorized CSA registration surcharge at this time.

LSA Response: The LSA concurs.

ARC 4190C (AF)

Rule Summary Establishes the minimum standards for wholesale distributor licenses and addresses the following topics: licensure and renewal processes; grounds for denial of licensure; required policies and procedures; requirements for facilities, security, and storage; reporting of discipline and convictions; and grounds for discipline.

State or Federal Law Implemented: Iowa Code sections 124.301, 124.302, 124.303, 124.304, 124.305, 124.306, 124.307, 124.308, 126.3, 126.9, 126.10, 126.11, 126.12, 155A.3, 155A.4, 155A.17, 155A.19, 155A.21, 155A.23, and 155A.40; and the federal Drug Supply Chain Security Act.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: Minimal fiscal impact. There will be some adjustments as entities that previously licensed as wholesale distributors now license as other business entities. Iowa Code section 147.80 requires licensing boards to establish fees to sustain the cost of operations and services, and to annually adjust the fee schedule to cover projected expenses.

ARC 4191C (AF)

Rule Summary Establishes the minimum standards for entities that are engaged in the distribution of prescription drugs and devices and that do not meet the definition of a wholesale distributor. Addresses licensure and renewal processes; grounds for licensure denial; required policies and procedures; facility and operation requirements; records requirements; reporting of discipline or convictions; and grounds for discipline.

State or Federal Law Implemented: Iowa Code sections 124.301, 124.302, 124.303, 124.304, 124.305, 124.306, 124.307, 124.308, 126.3, 126.9, 126.10, 126.11, 126.12, 126.22, 155A.3, 155A.4, 155A.13, 155A.17, 155A.21, 155A.23, and 155A.42.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: Minimal fiscal impact. There will be some adjustments as entities previously licensed as wholesale distributors now license as other business entities. Iowa Code section 147.80 requires licensing boards to establish fees to sustain the cost of operations and services, and to annually adjust the fee schedule to cover projected expenses.

ARC 4192C (AF)

Rule Summary Establishes the minimum standards for entities engaged in third-party logistics of prescription drugs and devices. Address licensure and renewal processes, required policies and procedures, required reporting of discipline and convictions, and grounds for disciplinary action.

State or Federal Law Implemented: Iowa Code chapter 124B; Iowa Code sections 124.301, 124.302, 124.303, 124.304, 124.305, 124.306, 124.307, 124.308, 126.3, 126.9, 126.10, 126.11, 126.12, 155A.3, 155A.4, and 155A.40; SF 2298 (Regulation of

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

16

Pharmacy and Wholesale Distribution of Drugs and Devices Act); and the federal Drug Supply Chain Security Act.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: Minimal fiscal impact. There will be some adjustments as entities that previously licensed as wholesale distributors now license as other business entities. Iowa Code section 147.80 requires licensing boards to establish fees to sustain the cost of operations and services, and to annually adjust the fee schedule to cover projected expenses.

LSA Staff Contact: Kent Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov

Department of Transportation

ARC 4161C (NOIA)

Rule Summary Amends existing rules regarding driver's license classes to include requirements for obtaining a minor's school license for accredited nonpublic (i.e., private) school students. The changes provide equivalent requirements for private school students as compared to public school students, which include:

- Updating addresses and methods for obtaining information and forms regarding licensing.
- Establishing a geographic boundary.
- Accounting for private school officials that differ from public school officials.
- Adjusting the Hardship Exemption process for private school students.
- Including private school students in language addressing multiple residences.

State or Federal Law Implemented: Iowa Code section 321.194 and 2018 Iowa Acts, House File 2494, sections 5 to 7 (FY 2019 Transportation Appropriations Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Rodrigo Acevedo (630.664.7301) Rodrigo.Acevedo@legis.iowa.gov

Department of Workforce Development

ARC 4174C (NOIA)

Rule Summary Updates eligibility criteria for a waiver of work search requirements related to unemployment claims for claimants attending approved training programs. Lists the expectations that must be met in order for a claimant to be approved for the program. The claimant is required to attend the program in person and will still be required to be available for work or actively seeking work if the hours of the training are outside the regular hours worked in the base period employment.

State or Federal Law Implemented: Iowa Code section 24.39.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 4199C (NOIA)

Rule Summary Clarifies the process by which the Department uses the federal Treasury Offset Program and clarifies the appeal rights of debtors to whom the offset will be applied.

State or Federal Law Implemented: Iowa Code chapter 25.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

17

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov

Labor Division

Rule Summary **ARC 4179C (NOIA)**
Adopts by reference four boiler and pressure vessel code cases of the American Society of Mechanical Engineers (ASME). An ASME code is the standard that regulates the design, development, and construction of boilers and pressure vessels utilized in a variety of industries. The Boiler and Pressure Vessel Code Committee meets regularly to consider proposed additions and revisions to the Code and to formulate cases to clarify the intent of existing requirements or provide, when the need is urgent, rules for material or constructions not covered by existing Code rules.

State or Federal Law Implemented: Iowa Code section 89.14.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4198C (NOIA)**
Conforms rules to the federal Occupational Safety and Health Administration standards related to crane operator training.

State or Federal Law Implemented: Iowa Code chapter 88.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4212C (AF)**
Requires additional lighting and conduit for hoistway of new elevators and when an elevator controller is being replaced, additional hoistway lighting will be required.

State or Federal Law Implemented: Iowa Code chapter 89A.

Fiscal Impact **Agency Response:** Minimal fiscal impact. The estimated installation cost for hoistway lighting is \$100 per floor. Conduit is typically part of the package for a new elevator; however, some elevator mechanics do not use the conduit. Labor costs to install the conduit are minimal.

LSA Response: The LSA concurs.

LSA Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov

Department of Revenue

Rule Summary **ARC 4170C (AF)**
Expands the available alternative assessment options the Department of Revenue may use to supplement commercial and multiresidential assessment/sales ratio studies. The options added include modeled appraisal techniques and statistical measures.

State or Federal Law Implemented: Iowa Code section 441.47.

Fiscal Impact **Agency Response:** No fiscal impact.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

18

LSA Response: The LSA concurs.

Rule Summary **ARC 4175C (NOIA)**
Permits a city to be reimbursed from funds advanced internally from available sources for the costs of approved flood mitigation projects incurred after the projects' approval.

State or Federal Law Implemented: Iowa Code section 418.13 and 2018 Iowa Acts, ch. 1124 (Flood Mitigation Program Act).

Fiscal Impact **Agency Response:** No fiscal impact. The Fiscal Note estimated no impact to the General Fund and noted that the change could have a positive fiscal impact for local governments.

LSA Response: The LSA concurs.

Rule Summary **ARC 4176C (NOIA)**
Amends existing rules in order to implement 2017 Iowa Acts, SF 500 (E911 Consolidation Act). The Act changed the terms "Enhanced 911" and "E911" to reflect the merging of E911 and Next Generation 911 services.

State or Federal Law Implemented: 2017 Iowa Acts, SF 500.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4177C (NOIA)**
Amends inheritance tax rules in compliance with changes made in 2018 Iowa Acts, SF 2303 (Deferred Estate Act). Prior to July 1, 2018, estates containing personal property, real property, or a mix of both required a bond instrument to secure payment of deferred inheritance tax. The 2018 Legislature amended Iowa Code section 450.48 to add other options in lieu of a bond for securing deferred inheritance tax payments.

State or Federal Law Implemented: 2018 Iowa Acts, SF 2303.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4195C (AF)**
Consolidates hotel and motel tax rules into a single chapter (chapter 103) and implements changes to the tax made by Division XIII of SF 2417 (2018 Tax System Modifications Act). As a result of the consolidation, chapters 104 and 105 are eliminated.

State or Federal Law Implemented: Iowa Code chapter 423A and 2018 Iowa Acts, SF 2417.

Fiscal Impact **Agency Response:** No fiscal impact beyond the impact estimated in Table 9 of the Fiscal Note for SF 2417.

LSA Response: The LSA concurs. Please note that the Fiscal Note for SF 2417 did not identify any specific impact on hotel and motel tax revenue.

Rule Summary **ARC 4201C (NOIA)**
Implements Division VII of 2017 Iowa Acts, ch. 170 (FY 2018 Standing Appropriations Act) that imposes sales and use tax on all delivery sales of alternative nicotine products or vapor products into Iowa and requires sellers of those products into the State to obtain a permit from the Department.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

19

State or Federal Law Implemented: Iowa Code sections 453A.47B, 453A.47C, and 453A.47A and 2017 Iowa Acts, ch. 170.

Fiscal Impact **Agency Response:** The Fiscal Impact as provided in the FY 2018 Standing Appropriations Act estimated an increase in sales and use tax revenue of:

- \$0.9 million for FY 2018
- \$1.1 million for FY 2019
- \$1.4 million for FY 2020
- \$1.7 million for FY 2021
- \$2.1 million for FY 2022.

LSA Response: The LSA concurs.

Rule Summary **ARC 4217C (AF)**
Redrafts the original notice of rules that establish administration of the Water Service Excise Tax in order to exempt certain sales of water from sales tax and enact Iowa Code chapter 423G, which establishes a water service excise tax.

State or Federal Law Implemented: 2018 Iowa Acts, ch. 1001 (Water Quality Act).

Fiscal Impact **Agency Response:** No fiscal impact beyond that estimated by the Legislative Services Agency in the Fiscal Note for SF 512 (Water Quality Act). The estimate predicts that in FY 2019, SF 512 will have no impact on the General Fund, will reduce Secure an Advanced Vision for Education (SAVE) revenues by \$3.9 million, and will reduce Local Option Sales Tax (LOST) revenues by \$3.0 million. The estimate further predicts that by FY 2030, SF 512 will reduce General Fund revenues by \$26.1 million, will reduce SAVE revenues by \$5.2 million, and will reduce LOST revenues by \$4.0 million.

LSA Response: The LSA concurs. The SAVE and General Fund impacts will divert to the Water Quality Infrastructure Fund and the Water Quality Financial Assistance Fund. The LOST revenues will no longer be collected.

Rule Summary **ARC 4200C (NOIA)**
Updates the chapter on the sourcing of taxable services. Incorporates the sourcing of tangible personal property and specified digital products pursuant to changes to the Iowa Code implemented by 2018 Iowa Acts, ch. 1161 (Income and Sales Tax Modification Act). Adopts rules relating to sourcing that were previously published in a chapter relating to local option sales tax.

State or Federal Law Implemented: Iowa Code section 423.15 and 2018 Iowa Acts, ch. 1161.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4202C (NOIA)**
Amends rules on local option sales tax to remove repetitive language, reference definitions in the Iowa Code, update calculations, and incorporate changes made in 2018 Iowa Acts, ch. 1161 (Income and Sales Tax Modification Act). Strikes language that will be moved to a chapter on sourcing (ARC 4200C).

State or Federal Law Implemented: Iowa Code chapter 423B, and 2018 Iowa Acts, ch. 1161.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 4216C (AF)

Rule Summary Implements changes to the taxability of personal transportation services made by division XI of 2018 Iowa Acts, ch. 1161 (State and Local Taxation, Revenue, and Finance Act). Defines “personal transportation service,” addresses sourcing of personal transportation services, and describes the applicable exemptions.

State or Federal Law Implemented: Iowa Code sections 423.2 and 423.3 and 2018 Iowa Acts, ch. 1161.

Fiscal Impact **Agency Response:** No fiscal impact beyond the impact estimated by the Legislative Services Agency in the Fiscal Note for SF 2417 (Income Sales Tax Modification Act). That estimate predicts that the taxation of “ride sharing services” in FY 2019 will result in increased revenue of \$3.5 million and by FY 2024 will result in increased revenue of \$18.7 million.

LSA Response: The LSA concurs.

ARC 4218C (AF)

Rule Summary Implements changes to the definition of “manufacturer” and “manufacturing” pursuant to Iowa Code section 423.3(47)(d) as amended by 2018 Iowa Acts, ch. 1161 (State and Local Taxation, Revenue, and Finance Act). Iowa Code section 423.3(47) provides a sales tax exemption for the “sales price from the sale or rental of computers, machinery, equipment, replacement parts, supplies, and materials used to construct or self-construct computers, machinery, equipment, replacement parts, and supplies” if those items are, in relevant part, “directly and primarily used in processing by a manufacturer.”

State or Federal Law Implemented: Iowa Code section 423.3 and 2018 Iowa Acts, ch. 1161 (State and Local Taxation, Revenue, and Finance Act).

Fiscal Impact **Agency Response:** According to the LSA’s fiscal estimate for SF 2417 (Income and Sales Tax Modification Act), the Iowa Code changes implemented by these proposed rules will increase General Fund revenues by:

- \$13.8 million in FY 2019
- \$13.9 million in FY 2020
- \$14.4 million in FY 2021
- \$14.9 million in FY 2022
- \$15.5 million in FY 2023
- \$16.1 million in FY 2024

LSA Response: The LSA concurs.

LSA Staff Contact: Jeff W. Robinson (515.281.4614) jeff.robinson@legis.iowa.gov

College Student Aid Commission

ARC 4183C (AF)

Rule Summary Implements changes made to the All Iowa Opportunity Scholarship in 2018 Iowa Acts, House File 2502 (FY 2019 Standing Appropriations Act). Defines “eligible surviving-child student” to include children of peace officers, police officers, fire fighters, sheriffs, or deputy sheriffs who have been killed in the line of duty. Provides such students with second priority for scholarships.

State or Federal Law Implemented: Iowa Code chapter 261.

Fiscal Impact **Agency Response:** No fiscal impact.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

21

LSA Response: The LSA concurs.

Rule Summary **ARC 4184C (AF)**
Implements changes to the National Guard Educational Assistance Program enacted in 2018 Iowa Acts, Senate File 2415 (FY 2019 Education Appropriations Act). Requires applicants for the Program to complete the Free Application for Federal Student Aid (FAFSA) to apply for State and federal nonrepayable aid.

State or Federal Law Implemented: Iowa Code chapter 261.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary **ARC 4185C (AF)**
Implements changes to the Rural Iowa Advanced Registered Nurse Practitioner and Physician Assistant Loan Repayment Program enacted in 2018 Iowa Acts, Senate File 2415 (FY 2019 Education Appropriations Act). Repeals provisions related to a full-time practice waiver and to postponement of the service obligation.

State or Federal Law Implemented: Iowa Code chapter 261.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. Under SF 2415, the Program is scheduled for repeal on July 1, 2023. No new awards are permitted; only renewals are funded by an annual General Fund appropriation. Final payments were issued to 26 teachers in FY 2018. The Commission anticipates that 25 teachers will exit the Program in FY 2019, and that the remaining 46 teachers will exit in FY 2020.

Rule Summary **ARC 4186C (AF)**
Implements the Health Care Loan Repayment Program enacted in 2018 Iowa Acts, Senate File 2415 (FY 2019 Education Appropriations Act). The Program combines two existing programs: the Registered Nurse and Nurse Educator Loan Forgiveness Program and the Rural Nurse Practitioner and Physician Assistant Loan Repayment Program.

State or Federal Law Implemented: Iowa Code chapter 261.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs in part. Although the rulemaking itself has no fiscal impact, the legislation it implements, SF 2415, does require a \$200,000 appropriation for the Program in FY 2019.

LSA Staff Contact: Robin Madison (515.281.5270) robin.madison@legis.iowa.gov

Professional Licensure Division

Rule Summary **ARC 4214C (AF)**
Permits applicants for licensure by endorsement to satisfy the requirement for proof of passing the Board-designated exam by providing evidence of a current clinical competence certification through the American Speech-Language-Hearing Association (ASHA), which confirms the completion of clinical hours and passing of the Praxis exam. Also makes technical corrections.

State or Federal Law Implemented: Iowa Code chapters 147, 154F, and 272C.

Fiscal Impact **Agency Response:** No fiscal impact.

Administrative Rules — Fiscal Impact Summaries

January 8, 2019

22

LSA Response: The LSA concurs.

ARC 4215C (AF)

Rule Summary Incorporates language used in the American Academy of Audiology (AAA) and American Speech-Language-Hearing Association (ASHA) codes of ethics.

State or Federal Law Implemented: Iowa Code chapters 147, 154F, and 272C.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Kent Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov

Dental Board

ARC 4187C (AF)

Rule Summary Revises the process for review of license, permit, and registration applications by the License and Registration Committee to allow for the Executive Director to administratively issue a license, permit, or registration pursuant to Committee action.

State or Federal Law Implemented: Iowa Code sections 147.2, 153.15A, 153.21, 153.33B, and 153.39.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

LSA Staff Contact: Kent Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov
