



## Fiscal Services Division

### ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

February 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**).

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### Secretary of State

- Rule Summary** Establishes requirements and procedures for the nomination of candidates by write-in votes for certain offices in primary elections. **ARC 4222C (NOIA)**
- State or Federal Law Implemented:** Iowa Code section 43.66.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.

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### Department of Human Services

- Rule Summary** Streamlines required maintenance of administrative rules for Dependent Adult Abuse by removing form numbers from the rules. **ARC 4239C (NOIA)**
- State or Federal Law Implemented:** Iowa Code section 234.6.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.

- Rule Summary** Allows an advanced registered nurse practitioner or a physician assistant to be a primary care provider with a managed care organization. **ARC 4258C (NOIA)**
- 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:** No fiscal impact.
- LSA Response:** The LSA concurs.

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### Department of Commerce/Insurance Division

- Rule Summary** Implements, in whole or in part, a final rule issued by the Internal Revenue Service, Department of the Treasury; the Employee Benefits Security Administration, Department of Labor; and the Centers for Medicare and Medicaid Services, Department of Health and Human Services (HHS), effective as of October 2, 2018. The new HHS rule extends the permissible policy term periods for short-term limited-duration health insurance policies to up to 12 months (increased from three months) and allows such plans to be renewable for a period of up to three years (increased from three months). **ARC 4242C (NOIA)**
- Sets a minimum standard of benefits for short-term limited-duration health insurance policies, in response to the new HHS rule, and requires certain other consumer protections. Allows for the Insurance Division's administration of short-term limited-duration health insurance.
- State or Federal Law Implemented:** Iowa Code chapters 505 and 514D and 83 FR 38212.

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**Fiscal Impact**     **Agency Response:** Fiscal impact cannot be determined. There may be a positive fiscal impact to the State General Fund, in that an increase in the number of short-term limited-duration health insurance plans being sold would increase the amount of Iowa Premium Tax funds collected by the State from the issuing companies. While the expected fiscal impact is unknown because the number of plans that will be sold by the issuing companies is unknown, the Insurance Division does not expect a large fiscal impact from the amount of Iowa Premium Tax funds collected.

**LSA Response:** The LSA concurs.

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### Department of Agriculture and Land Stewardship

#### **ARC 4260C (AF)**

**Rule Summary**     Establishes two priority lists of noxious weeds. One list identifies the noxious weeds for eradication, and the other list identifies the noxious weeds for control.

**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.

#### **ARC 4261C (AF)**

**Rule Summary**     Amends Iowa Code references to federal regulations for the Meat and Poultry Inspection Program relating 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.

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### Soil Conservation and Water Quality Division

#### **ARC 4235C (NOIA)**

**Rule Summary**     Increases the total cost eligible for reimbursement from the soil erosion control financial incentive program from \$450 to \$600 for tree planting and related activities, from \$1,500 to \$1,600 for windbreaks, and from \$450 to \$600 for field windbreaks. Also makes other technical updates.

**State or Federal Law Implemented:** Iowa Code section 161A.2.

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

**LSA Response:** The LSA concurs. The reimbursement cost changes established in the rulemaking are expected to be revenue neutral.

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## Auditor of State

- Rule Summary** **ARC 4245C (AF)**  
Reflects the Office's current organizational structure of three divisions and rescinds or amends rules to reflect various changes to the Iowa Code.
- State or Federal Law Implemented:** Iowa Code sections 11.6, 11.31, 536A.2, and 536A.6.
- Fiscal Impact** **Agency Response:** No fiscal impact.  
**LSA Response:** The LSA concurs.

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## Department of Commerce/Utilities Division

- Rule Summary** **ARC 4253C (AF)**  
Updates and amends the Iowa Utilities Board (IUB) rules establishing procedures for informal and formal complaints. Separates the processes for informal and formal complaint requests, establishes timelines for taking certain actions during the informal complaint proceeding, and specifies that the IUB may open an informal investigation before issuing an order when a request for a formal complaint proceeding is made.
- State or Federal Law Implemented:** Iowa Code sections 476.2, 476.3, and 476.103.
- Fiscal Impact** **Agency Response:** No fiscal impact.  
**LSA Response:** The LSA concurs.
- Rule Summary** **ARC 4254C (AF)**  
Identifies, updates, and eliminates rules that are outdated or inconsistent with statutes and other administrative rules.
- State or Federal Law Implemented:** Iowa Code sections 17A.4, 474.5, 476.2, 476.15, 476.102, and 47 U.S.C. §214(e).
- Fiscal Impact** **Agency Response:** No fiscal impact.  
**LSA Response:** The LSA concurs.
- Rule Summary** **ARC 4255C (NOT)**  
Terminates a proposed rule making to implement rate caps on charges that may be assessed to inmates and the families of inmates in Iowa correctional facilities for local and intrastate telephone calls.
- State or Federal Law Implemented:** Iowa Code section 476.91.
- Fiscal Impact** **Agency Response:** No fiscal impact.  
**LSA Response:** The LSA concurs.

- Rule Summary** **ARC 4272C (AF)**  
Updates and amends Iowa Utilities Board (IUB) rules establishing procedures for assessing civil penalties. References the statutory sections that authorize the IUB to assess civil penalties; clarifies that the IUB may assess civil penalties for willful and nonwillful violations of statutes, rules, or orders; requires electronic filing of requests for civil penalties through the IUB electronic filing system; and provides that the IUB will schedule a hearing based upon the circumstances of a violation.

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**State or Federal Law Implemented:** Iowa Code sections 476.51, 476.103, 476A.29, 478.29, 479.31, and 479B.21.

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Updates and amends the Iowa Utilities Board's rules regarding the access and retention of utilities records. Updates references to utility record standards and utility types required to preserve the records of operations. **ARC 4273C (AF)**

**State or Federal Law Implemented:** Iowa Code sections 476.9, 476.31, and 546.7.

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Rescinds and reserves the Iowa Utilities Board's rules regarding the energy efficiency of nonregulated utilities. Removes nonregulated utilities from the list of utilities required to provide energy efficiency plans. **ARC 4274C (AF)**

**State or Federal Law Implemented:** Iowa Code sections 476.1A, 476.1B(1)(I), and 476.6(15)(d).

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

**LSA Response:** The LSA concurs.

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### Economic Development Authority

**Rule Summary**     Establishes administrative rules for the Iowa Energy Center Grant Program, as overseen by the Energy Center Board. **ARC 4262C (AF)**

**State or Federal Law Implemented:** Iowa Code section 15.120.

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Establishes administrative rules for the Alternate Energy Revolving Loan Program, as overseen by the Energy Center Board. **ARC 4263C (AF)**

**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.

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**Iowa Egg Council**

**ARC 4223C (NOIA)**

**Rule Summary** Reduces the number of egg producers required to sign a nomination petition for nominees to the Iowa Egg Council Board from 20 to three. Updates the address for the Iowa Egg Council and makes other technical changes.

**State or Federal Law Implemented:** Iowa Code chapter 184.

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

**LSA Response:** The LSA concurs.

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**Department of Inspections and Appeals**

**ARC 4264C (AF)**

**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.

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**Iowa Public Employees' Retirement System**

**ARC 4238C (NOIA)**

**Rule Summary** Revises existing rules by implementing the following changes:

- Conforms rules and statutes or rescinds rules that are outdated, redundant, or inconsistent, or no longer in effect to meet the requirements of the statutory five-year rules review for affected chapters.
- Implements contribution rates for employers and regular and special service members beginning July 1, 2019.
- Simplifies and updates language pertaining to sick and compensatory time.
- Defines bona fide refunds that require a member to remain out of Iowa Public Employees' Retirement System (IPERS)-covered employment for 30 days, and simplifies language concerning restoring a member's account.
- Clarifies vesting status post-June 30, 2012, requirements for special service and regular service members.
- Updates and amends current rules covering service purchases to conform with current law and practice.
- Aligns Internal Revenue Code (IRC) Section 415(r) compliance language with actual practice and Internal Revenue Service (IRS) regulation of all service purchases.
- Emphasizes that service credit purchases are available for leaves of absence only if the purchases have been approved by the employer.
- Clarifies that members have 60 days from the date of IPERS' acceptance of a service purchase to revoke the purchase.
- Clarifies that periods of time when a member was self-employed or worked as an independent contractor are not periods that can be used to make a service purchase.

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- Emphasizes the seriousness of a married member's notarized statement regarding unsuccessful efforts to locate the member's spouse for the spouse's written acknowledgment of election of a refund by changing "indicating" to "affirming."
- Increases clarity regarding the determination of a member's last day of employment and the use of electronic funds transfers related to refunds.
- Clarifies the current policy regarding payment of a deceased named beneficiary's share to the surviving named beneficiaries in the event a named beneficiary predeceases a member.
- Provides for corrections of overpayments and underpayments of contributions and benefits caused by the misreporting of covered wage.
- Eliminates successor alternate payee (SAP) language from qualified domestic relations orders after July 1, 2019.
- Improves the alternate payee benefit process while retaining members' rights and securing alternate payee benefits.

**State or Federal Law Implemented:** Iowa Code chapter 97B.

**Fiscal Impact Agency Response:** Contribution rate changes for all three member classes of IPERS employees (Regular members, Sheriffs and Deputy Sheriffs, and Protection Occupation members) are reflected below.

- **Regular Members.** There is no change in the contribution rates from FY 2019 to FY 2020. The contribution rate remains at 15.73% (9.44% employer/6.29% employee).
- **Sheriffs and Deputy Sheriffs.** The contribution rates are decreasing by 0.50% from 19.52% in FY 2019 to 19.02% for FY 2020. For Sheriffs and Deputy Sheriffs, contribution amounts are split 50/50 between employers and employees. The impact to covered employers and employees is an estimated savings of \$619,000 (\$309,000 employer and \$309,000 employee) annually.

| Employer Type | Projected Wages | FY 2019             |                       |               | FY 2020             |                       |               | Member Difference | Employer Difference | Total Difference |
|---------------|-----------------|---------------------|-----------------------|---------------|---------------------|-----------------------|---------------|-------------------|---------------------|------------------|
|               |                 | Member Contribution | Employer Contribution | Combined Rate | Member Contribution | Employer Contribution | Combined Rate |                   |                     |                  |
| County        | \$123,721,295   | \$12,075,198        | \$12,075,198          | 19.52%        | \$11,765,895        | \$11,765,895          | \$23,531,790  | (\$309,303)       | (\$309,303)         | (\$618,606)      |

- **Protection Occupation.** The contribution rates are decreasing by 0.50%, from 17.02% in FY 2019 to 16.52% for FY 2020. For Protection Occupation members, contribution amounts are split 60/40 between employers and employees. The impact to covered employers and employees is an estimated savings of \$1.1 million (\$757,000 employer and \$354,000 employee).

| Employer Type | Projected Wages | FY 2019             |                       |               | FY 2020             |                       |               | Member Difference | Employer Difference | Total Difference |
|---------------|-----------------|---------------------|-----------------------|---------------|---------------------|-----------------------|---------------|-------------------|---------------------|------------------|
|               |                 | Member Contribution | Employer Contribution | Combined Rate | Member Contribution | Employer Contribution | Combined Rate |                   |                     |                  |
| State         | \$169,896,808   | \$11,569,973        | \$17,346,464          | 17.02%        | \$11,230,179        | \$16,836,774          | \$28,066,953  | (\$339,794)       | (\$509,690)         | (\$849,484)      |
| County        | \$113,516,798   | \$7,730,494         | \$11,590,065          | 17.02%        | \$7,503,460         | \$11,249,515          | \$18,752,975  | (\$227,034)       | (\$340,550)         | (\$567,584)      |
| City          | \$92,705,385    | \$6,313,237         | \$9,465,220           | 17.02%        | \$6,127,826         | \$9,187,104           | \$15,314,930  | (\$185,411)       | (\$278,116)         | (\$463,527)      |
| Other         | \$2,270,336     | \$154,610           | \$231,801             | 17.02%        | \$150,069           | \$224,990             | \$375,060     | (\$4,541)         | (\$6,811)           | (\$11,352)       |

**LSA Response:** The LSA concurs.

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### City Finance Committee

#### **ARC 4234C (NOIA)**

**Rule Summary** Clarifies the meaning of “transfers between funds” to include the definition of “fund transfer resolution” and establishes the requirement that all transfers of moneys between city funds must be approved by such a fund transfer resolution.

**State or Federal Law Implemented:** Iowa Code section 384.6.

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

**LSA Response:** The LSA concurs.

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### Department of Natural Resources

#### **ARC 4226C (NOIA)**

**Rule Summary** Allows the Department of Natural Resources (DNR) to establish base fees for park and recreation area camping, rental facilities, vessel storage, and other special privileges as detailed in Senate File 2389 (State Park and Recreation Area Fees Act). The methodology will ensure the fees are competitive with those charged at other parks and recreation areas within a 60-mile radius for the same or similar privileges, and to strategically adjust these fees up or down to stimulate user demand. The rule change does not directly establish any fees but outlines the criteria for the fees. Once the fees are determined, they will be published on the DNR website.

**State or Federal Law Implemented:** Iowa Code section 455A.14.

**Fiscal Impact** **Agency Response:** Fiscal impact cannot be determined at this time. There is potential that this rulemaking may result in increased fee revenue to the Conservation Fund. However, Senate File 2389 requires the DNR to survey a 60-mile radius around each State park and recreation area and catalog prices assessed at other public areas. Assessed price data collection has begun and is expected to be completed in 2019. In analyzing collected data, the Department does not anticipate any fee changes at this time.

**LSA Response:** The LSA concurs.

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### Natural Resource Commission

#### **ARC 4225C (NOIA)**

**Rule Summary** Removes language related to camping and other fees charged at State parks or recreation areas. The Department of Natural Resources (DNR) is authorized by Senate File 2389 (State Park and Recreation Area Fees Act) to take such action.

**State or Federal Law Implemented:** Iowa Code section 455A.14.

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

**LSA Response:** The LSA concurs.

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**Environmental Protection Commission**

**ARC 4227C (NOIA)**

**Rule Summary** Adopts the revised Surface Water Classification document in the Department of Natural Resources (DNR). The revised Surface Water Classification document reflects use designations which have been determined through field work and the completion of a use attainability analysis (UAA). The federal Clean Water Act establishes a rebuttable presumption that all Iowa streams can achieve the highest level of use, referred to as fishable and swimmable uses. In 2006, the Environmental Protection Commission adopted this presumption by rule for all of Iowa's previously undesignated perennial streams. As an outcome of these efforts, all 26,000 miles of Iowa streams are initially designated at the highest levels for recreational uses and warm-water aquatic life. These actions provided initial protection for many miles of perennial streams that were previously not designated for aquatic life or recreational uses. The DNR cannot renew a National Pollutant Discharge Elimination System (NPDES) permit for a facility discharging to a stream subject to a presumed use until the Department conducts a UAA and ensures the stream has the appropriate designation. A complete list of the recommended stream designation changes and affected facilities, as well as the updated version of the Surface Water Classification document, can be found on the DNR [website](#).

**State or Federal Law Implemented:** Iowa Code sections [455B.105\(3\)](#), [455B.173\(2\)](#), and [455B.176\(4\)](#).

**Fiscal Impact** **Agency Response:** The rulemaking will allow for the renewal of NPDES permits for 81 facilities. The DNR estimates that six of the facilities will need upgrades, with an estimated cost of \$10.0 million to \$13.0 million. The cost of such impacts is expected to be covered by the facility itself. There will be no fiscal impact to the State of Iowa.

**LSA Response:** The LSA concurs.

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**Department of Public Health**

**ARC 4240C (NOIA)**

**Rule Summary** Adds inhaled forms, limited to nebulizable and vaporizable, to the acceptable forms of medical cannabidiol that approved medical cannabidiol manufacturers can produce.

**State or Federal Law Implemented:** Iowa Code section [124E.11](#).

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

**LSA Response:** The LSA concurs.

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**Board of Pharmacy**

**ARC 4266C (AF)**

**Rule Summary** Clarifies that for the purpose of internship, a pharmacist is limited to supervision of no more than two pharmacist-interns.

**State or Federal Law Implemented:** Iowa Code section [155A.6](#).

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

**LSA Response:** The LSA concurs.

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### ARC 4267C (AF)

**Rule Summary** Makes the following updates:

- Updates requirement for references to be consistent with recent Board action for other practice settings.
- Provides technical changes for clarity and reorganization.
- Moves the requirement that the hospital's approved drug formulary be included in the pharmacy's policies and procedures.
- Moves the documentation requirement related to the pharmacy's accountability of stock supplies of controlled substances.
- Updates language relating to outpatient automated dispensing systems to use a general term rather than a specific industry brand product.
- Clarifies that outpatient automated dispensing systems do not qualify for a unique pharmacy license.
- Updates storage requirements for records to be consistent with recent Board action for other practice settings.

**State or Federal Law Implemented:** Iowa Code sections 124.301, 124.303, 124.306, 124.308, 126.10, 126.11, 155A.6A, 155A.6B, 155A.7, 155A.13, 155A.15, 155A.27, 155A.28, 155A.31, 155A.32, 155A.33, 155A.34, 155A.35, 155A.36, 155A.38, 155A.41, 155A.43, and 155A.44.

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

**LSA Response:** The LSA concurs.

### ARC 4268C (AF)

**Rule Summary** Requires a pharmacy which intends to change license type to submit an application, adds a late fee for such applications to change licensure type, and requires a pharmacy applying for a change in licensure type to submit to an inspection. Clarifies that the 10-mile distance requirement from a telepharmacy to another licensed pharmacy applies to pharmacies that dispense prescription drugs to outpatients.

**State or Federal Law Implemented:** Iowa Code sections 147.80, 155A.13, and 155A.26.

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

**LSA Response:** The LSA concurs.

### ARC 4269C (AF)

**Rule Summary** Requires any Food and Drug Administration-approved drugs which contain cannabidiol (CBD) derived from cannabis and no more than 0.1% tetrahydrocannabinols (THC) to be temporarily placed into Schedule V of the Iowa Uniform Controlled Substances Act.

**State or Federal Law Implemented:** Iowa Code section 124.201A.

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

**LSA Response:** The LSA concurs.

### ARC 4270C (AF)

**Rule Summary** Establishes rules for pharmacist participation in statewide protocols issued by the Department of Public Health for prescribing and dispensing certain medicines to patients within limited age groups.

**State or Federal Law Implemented:** 2018 Iowa Acts, ch. 1142.

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

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**LSA Response:** The LSA concurs.

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## Department of Transportation

**Rule Summary** **ARC 4228C (NOIA)**  
Makes changes regarding early release of retained funds for public improvement projects.

**State or Federal Law Implemented:** Iowa Code chapters 26 and 573, Iowa Code section 314.1A, and 2018 Iowa Acts, House File 2233 (Public Construction Bidding, Mechanic's Liens, and Early Release of Retained Funds Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4229C (NOIA)**  
Updates Iowa Code chapter 620 to align with existing legal authority and Department practice.

**State or Federal Law Implemented:** Iowa Code chapter 321J and 2018 Iowa Acts, House File 2338 (Operating While Intoxicated Reform Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4230C (NOIA)**  
Makes changes related to notation of cancellation of a security interest on a motor vehicle title, the location of motor vehicle dealer books and records, and the ability of a final-stage motor vehicle manufacturer to sell a completed multi-stage manufactured vehicle to a retail buyer.

**State or Federal Law Implemented:** Iowa Code sections 321.1, 321.50, 321.63, 322.2, and 322.3; 2018 Iowa Acts, Senate File 2325 (Security Interests in Motor Vehicles — Notation of Discharge Act); 2018 Iowa Acts, Senate File 2293 (Motor Vehicle Regulation — Dealer or Manufacturer Records, Registration and Titling, and Warranties and Recalls Act); and 2018 Iowa Acts, Senate File 2262 (Final-Stage Motor Vehicle Manufacturers Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4231C (NOIA)**  
Implements various rule changes regarding the permitting of vehicles and loads of excess size and weight.

**State or Federal Law Implemented:** Iowa Code section 321E.7.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4232C (NOIA)**  
Revises the process by which a member of a fire department applies for firefighter license plates to allow an applicant to submit an application with the required signatures,

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but without requiring those signatures to be original and notarized. The change will allow for applications to be submitted electronically.

**State or Federal Law Implemented:** Iowa Code section 321.34.

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

**LSA Response:** The LSA concurs.

### **ARC 4233C (NOIA)**

**Rule Summary** Requires taxicab companies to apply for a motor carrier passenger certificate and meet all applicable certification requirements.

**State or Federal Law Implemented:** Iowa Code chapter 325A and 2018 Iowa Acts, Senate File 2271 (Regulation of Motor Carriers Act).

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

**LSA Response:** The LSA concurs in part. Minimal fiscal impact is expected. There is a \$150 fee associated with the certificate. At this time, fewer than 30 applications have been received.

### **ARC 4236C (NOIA)**

**Rule Summary** Updates rules to reflect current purchasing practices, adds definitions, and clarifies the procurement and professional and technical services consultant selection process.

**State or Federal Law Implemented:** Iowa Code section 8A.302(1), 8A.311(20), 23A.2, 73.15, 73.16, 73.17, 73.18, 73.19, 73.20, 73.21, 307.12, and 307.21; and 2018 Iowa Acts, Senate File 2416 (FY 2019 Administration and Regulation Appropriations Act).

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

**LSA Response:** The LSA concurs.

### **ARC 4256C (NOIA)**

**Rule Summary** Incorporates most recent updates to the federal regulations published by the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration.

**State or Federal Law Implemented:** Iowa Code sections 321.188, 321.449, and 321.450.

**Fiscal Impact Agency Response:** The fiscal impact cannot be determined. The federal regulations to be adopted by this action were subject to fiscal impact review by either the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration when enacted and were determined not to be cost-prohibitive.

**LSA Response:** The LSA concurs.

### **ARC 4257C (NOIA)**

**Rule Summary** Makes updates to reference the 2018 edition of the American Association of State Highway and Transportation Official Manual for Bridge Evaluation used in evaluating bridges.

**State or Federal Law Implemented:** Iowa Code section 321.463(4).

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

**LSA Response:** The LSA concurs.

**ARC 4271C (AF)**

**Rule Summary** Updates requirements for obtaining a minor’s school license, most notably for students who attend an accredited nonpublic school (i.e., private school). Includes language indicating online completion of form requirements, and updates language to include accredited nonpublic school application requirements for minors’ school licenses.

**State or Federal Law Implemented:** Iowa Code section 321.194 and 2018 Iowa Acts, ch 1170, sections 5 to 7.

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

**LSA Response:** The LSA concurs.

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**Labor Division**

**ARC 4237C (NOIA)**

**Rule Summary** Clarifies when elevator upgrades need an alteration permit and adds a subcategory for alteration permits with a fee of \$250 instead of the standard fee of \$500.

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

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. Reducing the alteration fee will cause a slight reduction of receipts to the Elevator Fund.

**LSA Response:** The LSA concurs.

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**Real Estate Appraiser Examining Board**

**ARC 4224C (NOIA)**

**Rule Summary** Reflects the Real Estate Appraiser Examining Board’s recent relocation from the Department of Commerce’s Professional Licensing and Regulation Bureau to the Department of Commerce’s Division of Banking, and includes the Banking Superintendent’s additional oversight role over the Board. Incorporates standard agency and licensing board chapters (e.g., waivers and variances, contested cases, and public information).

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

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

**LSA Response:** The LSA concurs.

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**Department of Administrative Services**

**ARC 4244C (AF)**

**Rule Summary** Provides updates to policies and procedures relating to reporting and investigation of sexual harassment, discrimination, equal opportunity, and affirmative action complaints in the Executive Branch. Consistent with the revised policies that were issued simultaneously with these amendments, these amendments provide that complaints may be made directly to the Administrative Services Department (DAS) or the Office of the Governor. Provides that the DAS shall conduct investigations of such conduct

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unless otherwise directed by the Office of the Governor. Clarifies the confidentiality of the complaint and investigation process.

**State or Federal Law Implemented:** Iowa Code chapter 19B and Iowa Code sections 8A.402 and 8A.413.

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

**LSA Response:** The LSA concurs.

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### Board of Medicine

**Rule Summary**      **ARC 4241C (NOIA)**  
Adds “severe, intractable pediatric autism with self-injurious or aggressive behaviors” to the list of debilitating medical conditions for which medical cannabidiol may be used.

**State or Federal Law Implemented:** Iowa Code chapter 124E.

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

**LSA Response:** The LSA concurs in part. Adding a condition to the list of debilitating medical conditions would allow for more patients and caregivers to apply for medical cannabidiol registration cards, which would generate fee revenue and processing expenses for the Office of Medical Cannabidiol within the Department of Public Health.

**Rule Summary**      **ARC 4248C (AF)**  
Amends the rule establishing the standards of practice for the use of medical cannabidiol by adding ulcerative colitis to the list of debilitating conditions for which medical cannabidiol may be used.

**State or Federal Law Implemented:** Iowa Code chapter 124E.

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

**LSA Response:** Minimal fiscal impact. Adding a condition to the list of debilitating medical conditions would allow for more patients and caregivers to apply for medical cannabidiol registration cards, which would generate fee revenue and also result in processing expenses for the Office of Medical Cannabidiol within the Department of Public Health.

**Rule Summary**      **ARC 4246C (AF)**  
Adds a fee for acupuncturists who fail to renew their licensure before the expiration date and establishes the application and licensure fees for genetic counselors.

**State or Federal Law Implemented:** Iowa Code chapters 147, 148, and 272C.

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

**LSA Response:** Minimal fiscal impact. Fees for failure of timely renewal are anticipated to be minimal. If eight new genetic counselors are licensed each year, it would generate \$1,600 in revenue for the Board.

**Rule Summary**      **ARC 4247C (AF)**  
Expands delegation and supervision authority for medical directors at medical spas to include qualified laser technicians and establishes qualifications. Revises the definition of “qualified licensed or certified nonphysician person.”

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

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

**LSA Response:** The LSA concurs.

**Rule Summary**      Establishes a new chapter regarding prescribing psychologists and the requirements for licensed psychologists to prescribe psychotropic medications to patients with mental disorders. This is a set of joint rules with the Iowa Board of Psychology (ARC 4251C) to implement 2016 Iowa Acts, chapter 1112, which gave prescription authority to certain psychologists.

**ARC 4249C (AF)**

**State or Federal Law Implemented:** Iowa Code chapter 154B; Iowa Code sections 123.3, 124.101, 147.107, 148.13A, 148.13B, 155A.3, 155A.23, 155A.24, and 155A.27; and 2016 Iowa Acts, ch. 1112 (SF 2188, Prescription Authority for Psychologists Act).

**Fiscal Impact**      **Agency Response:** Fiscal impact cannot be determined. Senate File 2188 broadens the scope of practice for certain psychologists, allowing them to provide mental health care services previously provided by other health care practitioners – physicians, nurse practitioners, and physician assistants. Consequently, it is difficult to determine the actual fiscal impact of the legislation and corresponding rules. However, the impact is anticipated to be minimal.

**LSA Response:** The LSA concurs.

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### Professional Licensure Division

**Rule Summary**      Establishes a new chapter regarding prescribing psychologists and the requirements for licensed psychologists to prescribe psychotropic medications to patients with mental disorders. This is a set of joint rules with the Iowa Board of Medicine (ARC 4249C) to implement 2016 Iowa Acts, chapter 1112, which gave prescription authority to certain psychologists.

**ARC 4251C (AF)**

**State or Federal Law Implemented:** Iowa Code sections 154B.1, 154B.9, 154B.10, 154B.11, 154B.12, 154B.13, and 154B.14.

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

**LSA Response:** The LSA concurs.

**Rule Summary**      Establishes minimum standards by the Board of Respiratory Care and Polysomnography regarding the telehealth delivery of respiratory care services. Increases the number of continuing education hours that can be earned through independent study from 10 to 12.

**ARC 4259C (NOIA)**

**State or Federal Law Implemented:** Iowa Code chapters 152B and 148G and Iowa Code section 272C.2.

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

**LSA Response:** The LSA concurs.

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### Department of Commerce/Professional Licensing and Regulation Bureau

#### **ARC 4250C (AF)**

**Rule Summary** Implements legislative changes to the Professional Licensing and Regulation Bureau and its boards by changing terminology related to architects from “registered” to “licensed”; changing the title related to landscape architecture from “registered” to “professional”; removing references to the Real Estate Appraiser Board; and allowing staff to remove abandoned applications from the licensing database.

**State or Federal Law Implemented:** Iowa Code chapters 542, 542B, 543B, 544A, 544B, and 544C, and Iowa Code section 546.10.

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

**LSA Response:** The LSA concurs.

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### Accountancy Examining Board

#### **ARC 4243C (AF)**

**Rule Summary** Reflects changes in the Professional Licensing Bureau’s administrative processes due to the installation of a new online licensing and renewal system. Recognizes a broader scope of accountant designations used internationally.

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

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

**LSA Response:** The LSA concurs.

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### Iowa Finance Authority

#### **ARC 4265C (AF)**

**Rule Summary** Modifies the Military Service Member Home Ownership Assistance Program to add the definition of “manufactured home” specified in Iowa Code section 435.1 and to amend the definition of “qualified home” to exclude requirements that the manufactured home be attached to a permanent foundation and be taxed as real estate.

**State or Federal Law Implemented:** Iowa Code section 16.54 and 2018 Iowa Acts, HF 2480 (Manufactured Housing, Revolving Loan Fund Act).

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

**LSA Response:** The LSA concurs.

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### Department of Revenue

#### **ARC 4252C (AF)**

**Rule Summary** Increases the excise tax rate on gasoline from 30.5 cents per gallon to 30.7 cents per gallon, effective July 1, 2018. The tax rate for ethanol-blended gasoline will remain at 29.0 cents per gallon. The current fuel tax schedule is below.



**Fuel Tax Schedule**

| Ethanol-Blended<br>Market Share<br>Percentage | Ethanol-<br>Blended<br>Tax | Unblended<br>Gasoline<br>Tax |
|-----------------------------------------------|----------------------------|------------------------------|
| 0% - 50%                                      | 29.0¢                      | 30.0¢                        |
| 50% - 55%                                     | 29.0                       | 30.1                         |
| 55% - 60%                                     | 29.0                       | 30.3                         |
| 60% - 65%                                     | 29.0                       | 30.5                         |
| 65% - 70%                                     | 29.0                       | 30.7                         |
| 70% - 75%                                     | 29.0                       | 31.0                         |
| 75% - 80%                                     | 29.3                       | 30.8                         |
| 80% - 85%                                     | 29.5                       | 30.7                         |
| 85% - 90%                                     | 29.7                       | 30.4                         |
| 90% - 95%                                     | 29.9                       | 30.1                         |
| 95% - 100%                                    | 30.0                       | 30.0                         |

**State or Federal Law Implemented:** Iowa Code section 452A.3.

**Fiscal Impact** **Agency Response:** Under the rates applicable for fiscal year 2019 as implemented by the rulemaking and as required under statute, it is estimated that net of refunds and collections is estimated to be \$453.6 million, resulting in an increase of \$1.1 million in revenue.

**LSA Response:** The LSA concurs. This rulemaking is estimated to increase revenue to the Road Use Tax Fund by \$1.1 million in FY 2019.

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