



Fiscal Services Division

ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

June 11, 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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Department of Human Services

ARC 4430C (AF)

Rule Summary Makes several changes to the Consumer Choices Option (CCO) Program available within the AIDS/HIV, Brain Injury, Elderly, Health and Disability, Intellectual Disability, and Physical Disability Medicaid waivers. The rulemaking:

- Consolidates the CCO service description rules into one administrative subrule.
- Changes the monthly budget billing methodology for a financial management services (FMS) provider from a prepay method to a postpay method.

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- Clarifies who may self-direct services.
- Clarifies budget and employer authority responsibilities and defines how the monthly CCO budget may be used by a member self-directing services.
- Makes technical changes to remove the reference to the DHS service workers who are no longer involved in the CCO program.
- Adds new member and employee responsibilities to ensure proper payment for CCO services.

State or Federal Law Implemented: Iowa Code section 249A.4.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary ARC 4428C (AF)
Changes the assessment levels for nursing facilities from 2.18% to 3.95% effective July 1, 2019. The assessment level cap was removed during the 2018 Legislative Session in SF 2418 (FY 2019 Health and Human Services Appropriations Act). The Department, in collaboration with stakeholders, developed new assessment levels and requested an effective date of July 1, 2019.

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

Fiscal Impact Agency Response: This rulemaking has an estimated fiscal impact to the State of Iowa of \$100,000 annually or \$500,000 over five years. Assumptions for this fiscal impact include:

- Annual non-Medicare revenue — \$1.499 billion
- Non-Medicare resident days — 7,016,276
- Estimates were based on changes expected for FY 2020 and not on current revenue levels.

A model was developed to estimate the impact of this change. Based on this model, it is estimated that assessment fee revenues will increase from \$32.7 million under the current policy to \$58.6 million under the proposed policy, an increase of \$25.8 million. These expenditures will be 100.0% State funds.

LSA Response: The LSA concurs. This change is expected to increase revenues to the Quality Assurance Trust Fund by \$25.8 million in FY 2020. The increase will be generated by the increased assessment level. In addition to the revenue increase, the rulemaking is expected to increase nursing facility pass-through and add-on payments by \$17.4 million State and \$27.0 million federal for a total of \$44.4 million in FY 2020. There will be an expected unspent balance of \$8.5 million State dollars, which the Governor has recommended using to rebase nursing facility rates in FY 2020. The changes are detailed in the table below.

FY 2020 Changes to the Quality Assurance Trust Fund

Revenues:	<u>State</u>		
Current Law Pass	\$32,726,360		
Proposed Rule Pass	58,570,397		
Difference	<u>\$25,844,037</u>		
New Expenditures:	<u>State</u>	<u>Federal</u>	<u>Total</u>
Proposed Rule – Pass-Through & Add-On Expenditures Increase	\$13,385,248	\$20,830,621	\$34,215,869
Proposed Rule – Replace Current Appropriation Shortfall	3,978,848	6,192,031	10,170,879
Total New Expenditures	<u>\$17,364,096</u>	<u>\$27,022,652</u>	<u>\$44,386,748</u>
Unspent Balance*:	\$ 8,479,941	\$13,196,800	\$21,676,741

*The Governor recommended rebasing nursing facilities with the unspent balance. If the balance is spent on Medicaid, it will be matched with federal funds.

ARC 4429C (AF)

Rule Summary Revises language to reflect the Department’s implementation of a passive managed care enrollment process. For Medicaid eligibility groups subject to mandatory managed care enrollment, members will be passively enrolled with a managed care plan no earlier than the first day of the month of the member’s application to Medicaid, with no initial fee-for-service (FFS) period. In addition, the rule making removes outdated language to appropriately reflect the responsibility that managed care organizations (MCOs) have for retroactive eligibility periods.

State or Federal Law Implemented: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** Minimal fiscal impact. Costs would be shifted from FFS claims payments to MCO cap payments, with no substantial difference. However, Home and Community-Based Services (HCBS) participants do not receive any HCBS services for the first one to two months (or longer). Under the passive enrollment process, the MCO will immediately receive the HCBS cap rate, so in those instances the MCO might receive a higher payment than would have otherwise been paid out during the FFS period. The Medicaid actuary has communicated that no material fiscal impact is anticipated.

LSA Response: The LSA concurs.

ARC 4438C (NOT)

Rule Summary Terminates the rulemaking proposing amendments related to the Health Insurance Premium Payment (HIPP) Program. The proposed amendments changed the start date for the HIPP Program approval for fee-for-service and premium assistance. Under the amendments, the earliest start date for fee-for-service and premium assistance is the first day of the month following the month of application. The proposed amendments also changed the estimated savings to the Department from \$60 annually to \$1,200 annually, eliminated the second cost-effectiveness test, and provided technical changes to policy and definitions.

State or Federal Law Implemented: Iowa Code section 249A.4.

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

LSA Response: The LSA concurs.

ARC 4439C (NOIA)

Rule Summary Removes obsolete form references from the Family Investment Program rules and removes outdated and unnecessary rules related to Electronic Benefit Transfer (EBT) for Food Assistance.

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	State or Federal Law Implemented: Iowa Code sections <u>234.6</u> and <u>239B.4(6)</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 4440C (NOIA)</u></p> Rescinds the following chapters: <ul style="list-style-type: none">• Rescinds the chapter related to resolution of legal settlement disputes. When “legal settlement” was replaced by “county of residence,” the dispute resolution method changed. The authorizing State law was repealed, and the rule no longer conforms to Iowa Code.• Rescinds the chapter related to the Mental Health and Disability Services Redesign Transition Fund. This was one-time funding and no longer applicable.• Rescinds rules requiring counties to establish or affiliate with a community mental health center or complete a waiver in order to receive community services funds. The authorizing State law was repealed, and the rule no longer conforms to Iowa Code.
	State or Federal Law Implemented: Iowa Code section <u>225C.6</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 4441C (NOIA)</u></p> Removes references to obsolete form numbers and names related to child support.
	State or Federal Law Implemented: Iowa Code section <u>217.6</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 4442C (NOIA)</u></p> Removes the specific premium amounts for the Medicaid for Employed People with Disabilities (MEPD) Program, instead referencing back to the rule regarding persons being assessed a premium. States that the current premiums will be published on the Department of Human Services website.
	State or Federal Law Implemented: Iowa Code section <u>249A.4</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 4443C (NOIA)</u></p> Removes specific amounts listed for the statewide average charges for nursing facility services to a private-pay person, average pay charges for nursing facilities and psychiatric medical institutions for children, and the maximum Medicaid rate for intermediate care facilities for the intellectually disabled. The annually revised amounts for these charges will now be published on the Department of Human Services website.
	State or Federal Law Implemented: Iowa Code section <u>249A.4</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.

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ARC 4444C (NOIA)

Rule Summary Provides a definition of a customized wheelchair for all Medicaid members and providers and aligns Iowa's Medicaid definition with the definition of a customized wheelchair for the Medicare program provided by the Centers for Medicare and Medicaid Services.

State or Federal Law Implemented: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** Minimal fiscal impact. Clearly defining what a customized wheelchair is will allow for standardized billing and may prevent Iowa Medicaid from paying separately for items that should have been part of standard coverage. This could result in Medicaid savings, but the impact is not expected to be significant.

LSA Response: The LSA concurs.

LSA Staff Contact: Jess R. Benson (515.281.4611) jess.benson@legis.iowa.gov

Department of Commerce/Utilities Division

ARC 4416C (NOIA)

Rule Summary Eliminates and updates rules regarding assessments that are outdated or inconsistent with statutes and other administrative rules.

State or Federal Law Implemented: Iowa Code chapter 477C and Iowa Code sections 476.10, 476.10A, and 476.95B.

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

LSA Response: The LSA concurs.

ARC 4417C (NOIA)

Rule Summary Defines the sale of electricity for the purpose of electric vehicle charging at a commercial or public electric vehicle charging station as neither the furnishing of electricity to the public, nor the resale of electric service.

State or Federal Law Implemented: Iowa Code sections 476.1 and 476.25.

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

LSA Response: The LSA concurs.

ARC 4419C (NOIA)

Rule Summary Rescinds current rules related to regulation of telecommunications service and adopts provisions that the Board considers applicable to telecommunications service pursuant to Iowa Code chapter 476.

State or Federal Law Implemented: Iowa Code chapter 476.

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

LSA Response: The LSA concurs.

ARC 4420C (NOIA)

Rule Summary Updates and eliminates rules regarding annual reports that are outdated or inconsistent with statutes and other administrative rules.

State or Federal Law Implemented: Iowa Code sections 476.2, 476.9, and 476.10.

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

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LSA Response: The LSA concurs.

Rule Summary Establishes procedures for a city proposing to sell a city utility to request approval of an appraiser from the Utilities Board. **ARC 4465C (AF)**

State or Federal Law Implemented: Iowa Code section 388.2A.

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

Iowa Finance Authority

Rule Summary Updates the reference to the Iowa Finance Authority State Housing Trust Fund Allocation Plan to the March 2019 version of the plan. The updated plan allows the counties that are not part of an Iowa council of governments region, with the Authority's consent, to form a new local housing trust fund together even though they do not serve geographically contiguous areas. **ARC 4452C (AF)**

State or Federal Law Implemented: Iowa Code section 16.181.

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

LSA Response: The LSA concurs.

Rule Summary Implements the Water Quality Financing Program created with the 2018 enactment of SF 512 (Water Quality Act) and codified at Iowa Code sections 16.134A and 16.151 through 16.154. **ARC 4453C (AF)**

The Water Quality Financial Assistance Fund was created under the State Treasury, and the moneys will be appropriated as follows:

- 40.0% to the Iowa Finance Authority (IFA) for the Wastewater and Drinking Water Treatment Financial Assistance Fund.
- 45.0% to the IFA for the Water Quality Financing Program, which funds projects to improve the water quality of surface water and groundwater.
- 15.0% to the Department of Agriculture and Land Stewardship for the Water Quality Urban Infrastructure Program to fund demonstration projects to decrease erosion and stormwater discharge.

State or Federal Law Implemented: Iowa Code sections 16.134A and 16.151 through 16.154.

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

LSA Response: The LSA concurs. The first transfer was completed on February 24, 2019, and \$674,000 was transferred to the Water Quality Financial Assistance Fund from the Water Service Excise Tax.

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

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Department of Inspections and Appeals

ARC 4431C (AF)

Rule Summary Adds definitions, requires documentation of background checks for personnel, clarifies the time within which a treatment plan must be developed, provides further direction regarding the use of a seclusion room or restraints, clarifies provisions related to medication management, adds requirements related to nutrition and food preparation, and adds requirements related to buildings, furnishings, and equipment.

Also implements changes to Iowa Code chapter 135G resulting from 2018 Iowa Acts, chapter 1056, which eliminated certain requirements for licensure by the Department, including the limit on the number of publicly funded subacute care facility beds licensed under Iowa Code chapter 135G.

State or Federal Law Implemented: Iowa Code chapter 135G and 2018 Iowa Acts, chapter 1056.

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 Management

ARC 4433C (AF)

Rule Summary Establishes procedures used to calculate net General Fund revenues and defines “total appropriated general fund revenues,” “transfers from reserved funds,” “tax and other refunds,” and “school infrastructure transfers.” Describes the types and categories of receipts that will be included within each definition and in the calculation of net General Fund revenues.

State or Federal Law Implemented: 2018 Iowa Acts, chapter 1161, section 133.

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 Natural Resources

ARC 4434C (AF)

Rule Summary Shifts the responsibility for receiving and reviewing oil, gas, and mineral drilling applications from the State Geologist to the Director of the Department of Natural Resources (DNR) or the Director’s designee as a result of HF 2303 (Duties of the DNR Act), which transferred the State Geologist from the DNR to the University of Iowa.

State or Federal Law Implemented: Iowa Code chapter 458A.

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

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State Geologist

ARC 4425C (AF)

Rule Summary Rescinds the chapter relating to the Iowa Geological Survey as a result of the Survey being transferred to the University of Iowa in HF 2303 (Duties of the Department of Natural Resources (DNR) Act). Transfers rules related to oil, gas, and mineral drilling from the Energy and Geological Resources Division to the DNR and replaces references to the State Geologist with references to the Director of the DNR or the Director's designee.

State or Federal Law Implemented: Iowa Code chapter 458A.

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

Environmental Protection Commission

ARC 4426C (AF)

Rule Summary Amends rules related to legislation passed by the Iowa Legislature and includes the following actions:

- Transfers the positions and the duties of the State Geologist and the Geological Survey from the Department of Natural Resources (DNR) to the University of Iowa as directed in HF 2303 (Duties of the DNR Act).
- Adds an aquaculture animal unit capacity requirement for fish weighing less than 25 grams as directed in HF 2281 (Confinement Feeding Operations Act).
- Increases the amount the DNR can be reimbursed for oversight review provided to participants in the Land Recycling Program from \$7,500 to \$25,000 per site as directed in HF 2464 (Land Recycling Fees Act). For participants who have registered sites with the DNR prior to July 1, 2018, the \$7,500 limitation remains. For participants who register sites on or after July 1, 2018, the limitation is increased to \$25,000.

State or Federal Law Implemented: Iowa Code sections 455B.173, 455B.263, 455H.107, and 459.102.

Fiscal Impact **Agency Response:** No fiscal impact for rule amendments related to the transfer of duties or the aquaculture animal capacity requirement. Minimal fiscal impact for increasing the Land Recycling Program expenditure. In FY 2018, the DNR was reimbursed \$35,000 for expenditures, and the five-year average reimbursement amount is \$23,000. The moneys collected are deposited into the Land Recycling Fund.

LSA Response: The LSA concurs.

ARC 4421C (NOIA)

Rule Summary Renews the National Pollutant Discharge Elimination System (NPDES) General Permit No. 6 (GP6) that authorizes the discharge of wastewater associated with well construction activities. The permit requires the implementation of best management practices and requires visual monitoring of the wastewater effluent to determine compliance with the State's water quality standards. Includes an authorization to discharge treated wastewater from drilling fluid and drilling mud if the discharge complies with Iowa's water quality criteria, and a new limitation on coverage for discharges to Outstanding Iowa Waters.

State or Federal Law Implemented: Iowa Code sections 455B.173(11), 455B.186, and 455B.198.

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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

Natural Resource Commission

Rule Summary **ARC 4422C (NOIA)**
Changes rules for resident deer hunting and includes season dates, bag limits,

possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, transportation, and reporting requirements. Some of the rule changes include:

- Adding Winneshiek County to the list of counties where a January antlerless-deer-only season is allowed. The addition of Winneshiek brings the total number of authorized January season counties to five (Allamakee, Appanoose, Clayton, Wayne, Winneshiek).
- Modifying the antlerless-deer license quota for 24 counties. This includes increases for Adair, Allamakee, Appanoose, Clarke, Clayton, Davis, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Lucas, Madison, Marion, Monroe, Van Buren, Warren, Wayne, and Winneshiek counties. Decreases the quotas for Bremer, Fremont, Mills, and Woodbury counties.

The proposed change is estimated to increase the sale of antlerless deer licenses by 3,525. These licenses are free or sold at a cost of \$10.00 each.

State or Federal Law Implemented: Iowa Code sections [481A.39](#) and [481A.48\(1\)](#).

Fiscal Impact **Agency Response:** Minimal fiscal impact to the State. The estimated maximum increase in antlerless-deer license sales would be \$35,000. The revenue would be deposited into the Fish and Game Protection Fund.

LSA Response: The LSA concurs.

Rule Summary **ARC 4423C (NOIA)**
Changes rules for hunting or trapping of fur-bearing animals, specifically bobcats.

Increases the bag limit for bobcats from one per fur harvester to three per fur harvester in the southern counties of Adair, Adams, Appanoose, Cass, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

State or Federal Law Implemented: Iowa Code section [481A.87](#).

Fiscal Impact **Agency Response:** Minimal fiscal impact. The revenue would be deposited into the Fish and Game Protection Fund.

LSA Response: The LSA concurs.

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

Department of Public Health

Rule Summary **ARC 4447C (NOIA)**
Adopts by reference the 2018 Edition of the Uniform Plumbing Code (UPC). Makes additional changes to incorporate other clarifications and amendments for the State plumbing code to the UPC.

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State or Federal Law Implemented: Iowa Code section 105.4.

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

LSA Response: The LSA concurs.

Rule Summary **ARC 4448C (NOIA)**
Adopts by reference the 2018 Edition of the International Mechanical Code (IMC).
Makes additional changes to incorporate other clarifications and amendments for the
State mechanical code to the IMC.

State or Federal Law Implemented: Iowa Code chapter 105.

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

LSA Response: The LSA concurs.

Rule Summary **ARC 4446C (NOIA)**
Rebases fees for the regulatory programs administered by the Bureau of Radiological
Health to meet forecasted budget needs pursuant to new Iowa Code section 136C.10A.

State or Federal Law Implemented: Iowa Code chapter 136C.

Fiscal Impact **Agency Response:** The overall increase in fee revenue collected by the Bureau of
Radiological Health is estimated at \$930,000 annually. The estimated impact by
licensure type is included in the rulemaking preamble.

LSA Response: The LSA concurs. The Department indicates that most radioactive
material licensees pay their fees annually in July. The timing of the effective date of the
rules will likely decrease impact for FY 2020 to approximately \$400,000.

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

Dental Board

Rule Summary **ARC 4424C (NOIA)**
Amends the scope of practice for dental assistants and dental hygienists. Creates a new
chapter to contain all expanded functions rules, revises training requirements for
expanded functions, and adds a certification process and fee. The expanded functions
certification would have two levels, with Level 1 certification being optional and only
required if pursuing Level 2 certification. Specifies the certification fee is a one-time fee
for the licensee and the fee for a duplicate license is only applicable to hard copies.

State or Federal Law Implemented: Iowa Code sections 153.15, 153.38, and 153.39.

Fiscal Impact **Agency Response:** Minimal fiscal impact. Increased fee revenue from certification will
be spent on licensure database integration of the certification. Five-year total fee
revenue is estimated at \$31,000 and database integration costs are estimated at
\$40,000.

LSA Response: The LSA concurs.

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

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Board of Pharmacy

Rule Summary ARC 4450C (NOIA)
Extends the sunset date of the vaccine administration by pharmacists through physician-approved protocols through June 30, 2020, pursuant to HF 766 (FY 2020 Health and Human Services Appropriations Act).

State or Federal Law Implemented: Iowa Code section 155A.44 and 2019 Iowa Acts, House File 766 (FY 2020 Health and Human Services Appropriations Act).

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

LSA Response: The LSA concurs.

Rule Summary ARC 4455C (AF)
Implements 2018 Iowa Acts, chapter 1138 (Opioid Regulations Act), that requires prescribing practitioners to register for the Iowa Prescription Monitoring Program (PMP) at the same time they obtain Controlled Substances Act (CSA) registration. Allows the Board to assess a surcharge of up to 25.0% of a registration fee to be deposited into the PMP Fund and aligns language relating to disciplinary action against CSA registrants with disciplinary actions against other licensees and registrants. The amendments also:

- Temporarily place six substances into Schedule I of the CSA to conform to action taken by the federal Drug Enforcement Administration (DEA).
- Add a \$90 late penalty fee for untimely applications for registration modification.
- Add a \$15 fee for written verification of a registration.
- Add a certified paramedic to the list of individuals who may dispose of a controlled substance as the result of administrative waste.
- Remove butalbital products from the current list of “Exempted Prescription Products” so that such products are not exempted from the Iowa Controlled Substances Act for purposes of reporting to the PMP.
- Implement the federal 2018 Support Act (Pub. L. No. 115-271) that allows for the disposal of controlled substances of a hospice patient by employees of a qualified hospice program.
- Make technical corrections.

State or Federal Law Implemented: Iowa Code sections 124.203, 124.301, 124.302, 124.303, 124.304, 124.305, 124.551A, 124.557, and 147.80.

Fiscal Impact **Agency Response:** No fiscal impact. While there are rules to impose late penalty fees on untimely registration change applications and a fee for written verification of a registration, the anticipation is that registrants will timely apply for registration changes and utilize the Board's online verification system at no charge. Further, the Board does not intend to implement the surcharge at this time due to adequate grant funding secured.

LSA Response: The LSA concurs.

Rule Summary ARC 4456C (AF)
Implements 2018 Iowa Acts, chapter 1142 (Administration and Dispensing of Prescription Drugs and Vaccines Act), and updates the requirements for a pharmacist to authorize a certified pharmacy technician to provide the final product verification of a prescription filled by another pharmacy employee. These changes update the former “Tech-Check-Tech” Program to the “Technician Product Verification” (TPV) Program.

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

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

LSA Response: The LSA concurs.

ARC 4454C (AF)

Rule Summary Requires all pharmacies to ensure adequate protection of pharmacy personnel and patients from hazardous drugs and requires pharmacies to implement the standards identified in United States Pharmacopeial (USP) Chapter 800 by December 1, 2019. Creates a process for pharmacies to seek a waiver for delayed compliance.

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.

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

Department of Public Safety

ARC 4418C (NOIA)

Rule Summary Amends existing rules regarding ignition interlock devices (IIDs) to reflect the requirement that camera technology will be used in all instances where IIDs are installed in an offender's vehicle. Adding cameras to IIDs will help to ensure that the system is not being circumvented. Adds provisions intended to assist IID providers with guidance on the requirement to report noncompliance to the Department of Transportation.

State or Federal Law Implemented: Iowa Code section 321J.20.

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

Department of Revenue

ARC 4460C (AF)

Rule Summary Removes photography and retouching services from the category of services treated as tangible personal property, and moves the services to the list of taxable enumerated services pursuant to 2018 Iowa Acts, chapter 1161 (Income and Sales Tax Modification Act), sections 169 and 170. Makes technical corrections.

State or Federal Law Implemented: Iowa Code section 423.2.

Fiscal Impact **Agency Response:** No fiscal impact. This specific rulemaking resulting from legislation associated with 2018 Iowa Acts, chapter 1161, does not have a fiscal impact; however, other sections of the legislation do. Please see the associated Fiscal Note for additional information.

LSA Response: The LSA concurs.

ARC 4466C (AF)

Rule Summary Clarifies that a one-hour assessor training course is intended to be 60 minutes in length.

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State or Federal Law Implemented: Iowa Code section 441.8.

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

LSA Response: The LSA concurs.

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

Department of Transportation

ARC 4436C (AF)

Rule Summary Updates rules related to tourist-oriented directional signing in Iowa. Among the changes:

- Updates the definition of “primary highway” to add language used to define “primary road system.”
- Updates types of services eligible for the motorist service signing category.
- Removes language addressing nonapplicable services.
- Clarifies fees related to tourist-oriented directional signing.
- Limits not-for-profit organizations to one free set of signs.

State or Federal Law Implemented: Iowa Code section 321.252.

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

LSA Response: The LSA concurs.

ARC 4437C (AF)

Rule Summary Updates terminology to refer to a “driver’s license service center” and removes an outdated effective date.

State or Federal Law Implemented: Iowa Code section 321.190.

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

LSA Response: The LSA concurs.

LSA Staff Contact: Rodrigo Acevedo (515.281.6764) rodrigo.acevedo@legis.iowa.gov

Treasurer of State

ARC 4463C (AF)

Rule Summary Updates rules on the administration of the Iowa Educational Savings Plan Trust regarding program participation, eligibility, and withdrawals.

State or Federal Law Implemented: Iowa Code chapter 12D.

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

LSA Response: The LSA concurs.

ARC 4464C (AF)

Rule Summary Implements rules on the administration of the Iowa ABLE Savings Plan Trust.

State or Federal Law Implemented: Iowa Code chapter 12I.

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

LSA Response: The LSA concurs.

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

Department of Workforce Development

ARC 4449C (NOIA)

Rule Summary Establishes rules and procedures for implementation and administration of the new Employer Innovation Fund established pursuant to new Iowa Code section 84A.13, as enacted by HF 2458 (Future Ready Iowa Act), to create a private/public partnership that accelerates the regional workforce talent pipeline.

State or Federal Law Implemented: Iowa Code chapter 96 and 2018 Iowa Acts, chapter 1067.

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

LSA Response: The LSA concurs in part. Although the rulemaking has no fiscal impact, the legislation associated with it does. The Fund received an FY 2020 \$1.2 million General Fund appropriation in SF 608 (FY 2020 Economic Development Appropriations Act).

ARC 4451C (NOIA)

Rule Summary Aligns the administrative rule related to unemployment insurance wage earnings limitations with Iowa Code section 96.3.

State or Federal Law Implemented: Iowa Code sections 96.3, 96.4, and 96.19(38).

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

Board of Medicine

ARC 4445C (NOIA)

Rule Summary Adds corticobasal degeneration 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.

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

Public Employment Relations Board

ARC 4457C (AF)

Rule Summary Updates requirements for the parties and the agency due to the use of electronic filing through the electronic document management system, clarifies provisions relating to confidential information due to the use of electronic filing, and eliminates outdated provisions and language.

State or Federal Law Implemented: Iowa Code chapters 17A, 20, and 22.

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

LSA Response: The LSA concurs.

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Rule Summary **ARC 4459C (AF)**
Provides the procedural framework for an appeal by a State Executive Branch employee related to alleged adverse employment action taken because of an employee's disclosure of protected information.

State or Federal Law Implemented: Iowa Code section 70A.28.

Fiscal Impact **Agency Response:** Minimal fiscal impact. Costs related to individual hearings are expected to be minimal.

LSA Response: The LSA concurs.

Rule Summary **ARC 4458C (AF)**
Establishes a procedure for bargaining units to merge, transfer retention and recertification election procedures into a new chapter with clarifications and modifications, and updates and clarifies provisions related to electronic filing requirements. Increases the election fee assessed to certified employee organizations for certification and decertification elections. The fee would increase from \$1 per eligible voter, with a \$10 minimum, to \$1.50 per eligible voter, with a \$15 minimum. Allows the agency to dismiss decertification election petitions if the petition is not filed within a time frame that will allow the agency to complete the election by the statutory deadlines.

State or Federal Law Implemented: Iowa Code chapter 20.

Fiscal Impact **Agency Response:** Although the implementation of Iowa Code section 20.6(7) and the subsequent 50.0% increase in the fee will result in increased expenditures, due to the contract with a new vendor to conduct elections on the agency's behalf and the requirement that these costs be paid by the employee organizations involved, the agency does anticipate these expenditures to have a significant fiscal impact.

LSA Response: The LSA concurs.

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

Department of Commerce/Insurance Division

Rule Summary **ARC 4432C (AF)**
Implements a model regulation adopted by the National Association of Insurance Commissioners requiring insurers to provide to consumers certain disclosures related to participating immediate and deferred income annuities.

State or Federal Law Implemented: Iowa Code chapter 507B.

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

Historical Division

Rule Summary **ARC 4427C (AF)**
Modifies rules related to the State Historical Society of Iowa history award programs to reflect the current deadlines and submission processes. Adds rules for new awards.

State or Federal Law Implemented: Iowa Code section 303.8.

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

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LSA Response: The LSA concurs.

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

Professional Licensure Division

Rule Summary **ARC 4435C (AF)**
Reduces the required continuing education hours for the Board of Chiropractic from 60 hours to 40 hours for license reactivation applicants and endorsement applicants.

State or Federal Law Implemented: Iowa Code chapters 147 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

Secretary of State

Rule Summary **ARC 4461C (AF)**
Excludes a person determined to be a sex offender or sexually violent predator from the definition of “eligible person” in relation to the Safe at Home Program.

State or Federal Law Implemented: 2017 Iowa Acts, ch. 1149.

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

LSA Response: The LSA concurs.

Rule Summary **ARC 4462C (AF)**
Defines “qualified counties” for a new method of initiating a local option sales and services tax election, and allows the new method to be utilized for elections held after March 5, 2019.

State or Federal Law Implemented: Iowa Code section 423B.1.

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
