



Fiscal Services Division

ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

December 10, 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

Rule Summary

Continues to allow an annual change in the statewide monthly standard deduction for personal care services provided in a licensed Residential Care Facility (RCF) based on the Consumer Price Index (CPI) for urban consumers.

ARC 4738C (NOIA)

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	State or Federal Law Implemented: Iowa Code section <u>249.12</u> .
Fiscal Impact	Agency Response: Minimal fiscal impact. The Department is changing how it determines the average statewide monthly standard deduction for personal care services. The figure is computed by multiplying the previous year's average per day rate by the inflation factor increase during the preceding calendar year ending December 31 of the Consumer Price Index (CPI) for Urban Consumers as published by the Bureau of Labor Statistics. LSA Response: The LSA concurs.
Rule Summary	ARC 4739C (NOIA) Makes numerous changes to Medicaid case management rules, including: <ul style="list-style-type: none">• Amends the name of the chapter from "Targeted Case Management" to "Case Management Services."• Clarifies the case management service activities that are received by various populations in the Medicaid program.• Revises rules to include a definition and references to "Core Standardized Assessments" (CSAs) as required under the Balancing Incentive Program (BIP).• Outlines and requires billable activities for fee-for-service members.• Adds a requirement for provider reporting of minor incidents.• Adds a definition and service requirements for "person-centered service plan."• Updates case management cross references that are affected by this rule package.
	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	ARC 4740C (NOIA) Provides clarification on the treatment of depreciation when a change of nursing facility ownership occurs and for leasing arrangements. Updates the Iowa Medicaid Enterprise (IME) mailing address and makes changes to reflect current operations of the IME.
	State or Federal Law Implemented: Iowa Code section <u>249A.4</u> .
Fiscal Impact	Agency Response: Minimal fiscal impact. Without having all of the lessors' financial data related to ownership of the facilities in leasing arrangements and comparing that data to lease expenses being paid by the facilities, it is not possible to determine what the impact would be. However, given the scope of the change coupled with the fact that providers do not receive reimbursement of full cost through their per diem, the rule update is expected to have a relatively minimal impact. LSA Response: The LSA concurs.
Rule Summary	ARC 4750C (AF) Clarifies the programs that are reviewed by the Department of Human Services Quality Control Bureau and updates forms that are required in that process.
	State or Federal Law Implemented: Iowa Code section <u>234.6</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.

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Rule Summary	<p style="text-align: right;"><u>ARC 4751C (AF)</u></p> <p>Updates Medicaid form names, numbers, and terminology, and removes references to form names and numbers that are no longer in use.</p> <p>State or Federal Law Implemented: Iowa Code section <u>249A.4</u>.</p>
Fiscal Impact	<p>Agency Response: No fiscal impact.</p> <p>LSA Response: The LSA concurs.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 4752C (AF)</u></p> <p>Itemizes the expectations of a preinspection visit prior to permitting a new child care center to open. Clarifies the expectation involving receipt of the regulatory fee during application and when and where the fee is submitted.</p> <p>State or Federal Law Implemented: Iowa Code section <u>234.6</u>.</p>
Fiscal Impact	<p>Agency Response: No fiscal impact.</p> <p>LSA Response: The LSA concurs.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 4753C (AF)</u></p> <p>Updates the frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter <u>91</u> (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). Requires all child care providers to participate in minimum health and safety training as a preservice or orientation requirement.</p> <p>State or Federal Law Implemented: 2019 Iowa Acts, chapter <u>91</u>.</p>
Fiscal Impact	<p>Agency Response: No fiscal impact. The Department will continue to contract with agencies to provide the necessary provider training. Each child care provider will determine its own ongoing professional development needs while maintaining the minimum hour and content requirements identified in the rules.</p> <p>LSA Response: The LSA concurs.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 4762C (NOIA)</u></p> <p>Creates a Children's Behavioral Health System and does the following:</p> <ul style="list-style-type: none">• Requires certain children's behavioral health core services for children with serious emotional disturbances.• Provides guidance to Mental Health and Disability Services (MHDS) regions in developing the new children's behavioral health core services, including new definitions, provider standards, access standards, and implementation dates.• Makes changes in MHDS regional governance structure and reporting requirements, and establishes eligibility standards for children's behavioral health services. <p>State or Federal Law Implemented: 2019 Iowa Acts, chapter <u>61</u> (Children's Behavioral Health System Act).</p>
Fiscal Impact	<p>Agency Response: These changes are estimated to cost the General Fund \$723,000 in FY 2020 and FY 2021. General Fund costs include \$423,000 for Medicaid and \$300,000 for administration. Funding for these changes was provided by 2019 Iowa Acts, chapter <u>85</u> (FY 2020 Health and Human Services Appropriations Act).</p> <p>In addition, these changes are estimated to cost the MHDS regions \$3.2 million in FY 2020 and \$6.6 million in FY 2021. No additional funding was provided for the MHDS regions.</p>

LSA Response: The LSA concurs.

ARC 4763C (NOIA)

Rule Summary Updates and clarifies language to reflect existing prescribed outpatient drug policies for qualified prescribers, reasons for nonpayments of drugs, covered nonprescription drugs, allowed quantity dispensed, drug reimbursement methodology (including dispensing fee limitation), and credits for returned unit dose drugs not consumed. In addition, the rule adds language regarding initiation of refill requirements with the prohibition of automatic refills without the member's consent and includes legislatively required prior authorization (PA) limitations on medication-assisted treatment (MAT), including opioid overdose treatment, under the pharmacy and medical benefits.

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

Fiscal Impact **Agency Response:** The rule changes are estimated to have a net General Fund savings of \$124,000 in FY 2020 and \$298,000 in FY 2021 and beyond. The rulemaking assumes a February 1, 2020, implementation date. The provisions with a fiscal impact include:

- Clarifying the quantity prescribed and dispensing fee allowance is estimated to save the General Fund \$309,000 in cases where a pharmacy has been reimbursed for more than one dispensing fee per drug per member per month for maintenance drugs.
- Removing the clinical prior authorization (PA) for medication-assisted treatment (MAT) drugs is estimated to cost the General Fund \$11,000.

LSA Response: The LSA concurs.

ARC 4764C (NOIA)

Rule Summary Eliminates references to the application fee paid by nonassistance customers when requesting child support services from the Child Support Recovery Unit (CSRU).

State or Federal Law Implemented: 2019 Iowa Acts, chapter 112 (FY 2020 Child Support — Nonassistance — Fees Act).

Fiscal Impact **Agency Response:** Minimal fiscal impact. Eliminating the application fee is estimated to cost the General Fund \$17,000 annually. The cost increase will be offset by the federally required provision in the Act increasing the annual fee from \$25 to \$35 after \$550 in support has been collected.

LSA Response: The LSA concurs.

ARC 4779C (AF)

Rule Summary Adds language to reflect the Department's implementation of a passive managed care enrollment process. Individuals eligible for Healthy and Well Kids in Iowa (Hawki) will be passively enrolled in a managed care plan; however, the eligibility effective date will remain consistent with current practices. Also makes the following changes:

- Adds necessary definitions.
- Revises the time frame for a decision on eligibility.
- Clarifies policy on when a waiting period does not apply.
- Revises premium payment language.
- Eliminates the lock-out period for premium nonpayment.
- Makes technical edits.
- Removes outdated program language.

State or Federal Law Implemented: Iowa Code chapter 514I.

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

LSA Response: The LSA concurs.

ARC 4792C (AF)

Rule Summary Clarifies the Brain Injury (BI) Waiver provider qualifications to align with the services and supports that are being rendered by qualified brain injury professionals and accredited brain injury rehabilitation programs. Adopts the most current version of the Mayo Portland Adaptability Inventory Scale to fulfill the purposes of a valid and appropriate assessment of need, possible allocation of resources, and comprehensive community-based person-centered service planning for both the Home and Community-Based Services (HCBS) BI Waiver and the Community-Based Neurobehavioral Rehabilitation Service.

State or Federal Law Implemented: Iowa Code section 249A.3.

Fiscal Impact **Agency Response:** This rule making has a fiscal impact of \$100,000 annually or \$500,000 over 5 years to the state of Iowa. The fiscal impact for Family Training and Counseling and Behavior Programming providers cannot be determined at this time because the number of new providers that will enroll and the number of members that will access the service is not known.

LSA Response: The LSA concurs.

ARC 4793C (AF)

Rule Summary Amends the following chapters for general updates and alignment with changes required by the federal Family First Prevention Services Act and 2019 Iowa Acts, chapter 126 (Federal Family First Prevention Services Act):

- Juvenile Detention and Shelter Care Homes
- Licensing and Regulation of Child Foster Care Facilities
- Licensing and Regulation of All Group Living Foster Care Facilities for Children
- Licensing and Regulation of Comprehensive Residential Facilities for Children
- Licensing and Regulation of Residential Facilities for Children with an Intellectual Disability

Fingerprint-based criminal history checks will be required for all employees of group care and emergency juvenile shelter care providers.

State or Federal Law Implemented: Iowa Code section 234.6 and Family First Prevention Services Act, Pub. L. No. 115-123.

Fiscal Impact **Agency Response:** The DHS intends to pay the cost of the fingerprint checks, but at this point the Department does not have a clear idea of what total cost may be. The estimation is that it may total anywhere from \$76,000 to \$96,000. An informal accounting of staff completed in 2018 yielded approximately 1,900 affected staff. It is estimated this will cost \$40 per fingerprint check performed. Estimating a 25.0% staff turnover equates to an additional 500 checks, for a total estimation of 2,400 checks in Year 1. The Department would then assume 500 checks per year on an ongoing basis.

FY 2020

\$40 per check. Estimation of 1,900 current staff, also including 500 more staff for possible staff turnover. Equates to 2,400 staff at \$40 per check, which is \$96,000.

FY 2021

\$40 per check. Estimation of 500 staff for possible turnover at \$40 per check, which is \$20,000.

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LSA Response: The LSA concurs. Similar assumptions were used in the estimate for the Fiscal Note for 2019 Iowa Acts, chapter 126 (Federal Family First Prevention Services Act).

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

Auditor of State

- Rule Summary** **ARC 4787C (NOIA)**
Changes the periodic examination fee schedules for approximately 600 Iowa municipalities with populations under 2,000 and budgeted expenditures less than \$1.0 million in order to allocate costs more equitably.
- State or Federal Law Implemented:** Iowa Code section 11.6.
- Fiscal Impact** **Agency Response:** Minimal fiscal impact. The revised fee schedule will increase the amount of fees collected by the Auditor by approximately \$20,000 annually.
- LSA Response:** The LSA concurs.

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

Department of Commerce/Insurance Division

- Rule Summary** **ARC 4780C (AF)**
Updates the Insurance Division's rules by adding and clarifying statutory requirements and eliminating rules that are duplicative of statutes. Updates the address, the website, and several out-of-date email addresses for the Division.
- State or Federal Law Implemented:** Iowa Code chapters 17A, 22, 502, and 505.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- Rule Summary** **ARC 4781C (AF)**
Allows for domestic surplus lines insurers to be eligible surplus lines insurers in accordance with 2019 Iowa Acts, Senate File 558 (Domestic Surplus Lines Insurers Act).
- State or Federal Law Implemented:** Iowa Code chapters 515E and 515I and 2019 Iowa Acts, Senate File 558.
- 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

- Rule Summary** **ARC 4776C (NOIA)**
Establishes procedures for electric franchise proceedings before the Iowa Utilities Board. The procedures apply to any individual engaged in the construction, operation, and maintenance of electric transmission lines in Iowa.
- State or Federal Law Implemented:** Iowa Code chapter 478.
- Fiscal Impact** **Agency Response:** No fiscal impact.

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LSA Response: The LSA concurs.

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

Economic Development Authority

ARC 4737C (NOIA)

Rule Summary Rescinds the sunset date for the Targeted Jobs Withholding Tax Credit Program. The sunset date was last extended one year to June 30, 2021, with the 2019 enactment of HF 779 (Taxation and Tax Law Administration Act).

State or Federal Law Implemented: Iowa Code section 403.19A.

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

LSA Response: The LSA concurs.

ARC 4774C (NOIA)

Rule Summary Establishes the Rural Housing Assessment Grant Program pursuant to the 2019 enactment of SF 608 (FY 2020 Economic Development Appropriations Act). The Program provides support for small communities in obtaining housing-related information specific to the community.

State or Federal Law Implemented: 2019 Iowa Acts, Senate File 608.

Fiscal Impact **Agency Response:** No fiscal impact beyond the funding allocated in SF 608.

LSA Response: The LSA concurs. Senate File 608 allocated \$100,000 for the Program from the Skilled Worker and Job Creation Fund (SWJCF).

ARC 4775C (NOIA)

Rule Summary Establishes the Rural Innovation Grant Program pursuant to the 2019 enactment of SF 608 (FY 2020 Economic Development Appropriations Act). The Program supports creative, nontraditional ideas that focus on current issues and challenges faced by rural communities associated with the themes of community investment, growth, and connection.

State or Federal Law Implemented: 2019 Iowa Acts, Senate File 608.

Fiscal Impact **Agency Response:** No fiscal impact beyond the funding allocated in SF 608.

LSA Response: The LSA concurs. Senate File 608 allocated \$300,000 for the Program from the Skilled Worker and Job Creation Fund (SWJCF).

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

Iowa Finance Authority

ARC 4794C (AF)

Rule Summary Amends existing rules regarding the federal Low-Income Housing Tax Credit (LIHTC) Programs by conforming to the language and procedures in the 2020 Qualified Allocation Plans (QAPs). An overview of changes made to the 2020 4.0% Plan compared to the 2019 4.0% Plan can be found here. An overview of changes made to the 2020 9.0% Plan compared to the 2019 9.0% Plan can be found here. The proposed rules have been modified since they were first noticed. The changes include changing dates from September 4, 2019, to November 6, 2019, rated to the date after which no amendments or additions to the QAPs are included and no modifications or amendments to the Internal Revenue Code are incorporated by reference. The QAPs were also modified to, among other things, remove a late fee.

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State or Federal Law Implemented: Iowa Code section 16.35 and 26 U.S.C. §42.

Fiscal Impact **Agency Response:** Minimal fiscal impact. The removal of late fees will result in a decrease of revenue for the Authority. Due to fluctuations in the need for payment of late fees, the estimated fiscal impact of removing late fees is uncertain, but the impact is likely to be less than \$10,000.

LSA Response: The LSA concurs.

Rule Summary **ARC 4795C (AF)**
Updates statutory references and references to departments that no longer exist. Also changes the requirements relating to demonstrating a local contributing effort in order to align the Home and Community-Based Services Revolving Loan Program with other revolving loan programs administered by the Authority.

State or Federal Law Implemented: Iowa Code section 16.47.

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 Egg Council

Rule Summary **ARC 4783C (NOIA)**
Amends administrative rules for the Iowa Egg Council to update the Council's address, update references to the Iowa Code, and implement Iowa Code chapter 184.

State or Federal Law Implemented: Iowa Code chapter 184.

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

State Public Defender

Rule Summary **ARC 4778C (NOIA)**
Conforms to statutory changes enacted during the 2019 Legislative Session and adds efficiencies to the claims review process for indigent defense services. Clarifies that all probation revocation proceedings involving a single client constitute a single case and clarifies the definition of "date of service" to conform to existing practice. Converts the attorney fee case limits from dollar to hour limits. Requires online submission of miscellaneous claims, effective March 1, 2020. Makes other technical and corrective changes to the rules governing the submission of claims relating to the provision of services to indigent persons.

State or Federal Law Implemented: 2019 Iowa Acts, chapters 51 and 163.

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

LSA Response: The LSA concurs in part. Although the rulemaking has no fiscal impact, the legislation requiring the rulemaking does. The rulemaking implements Senate File 615 (FY 2020 Justice System Appropriations Act), which increased the rates of compensation for contract attorneys reimbursed by the Indigent Defense Fund by \$3 across the board. The SF 615 Notes On Bills and Amendments estimates an

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increased cost of approximately \$1.6 million to the Indigent Defense Fund beginning in FY 2020.

This rulemaking also implements Senate File 590 (Indigent Defense Fund, Privately Retained Attorneys), which established a process for the repayment of State funds to a privately retained attorney for the costs incurred in the legal representation of a person who is later determined to be indigent. The SF 590 Fiscal Note estimates a savings to the Indigent Defense Fund of approximately \$150,000 per year.

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

Department of Homeland Security and Emergency Management

ARC 4769C (NOIA)

Rule Summary Implements 2019 Iowa Acts, chapter 71 (Joint 911 Services Boards – Voting Membership Act) by amending existing rules to allow for the sheriff of each county and the chief of police of each city operating a public safety answering point to participate as voting members of their respective county's 911 service board.

State or Federal Law Implemented: 2019 Iowa Acts, ch. 71.

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

LSA Response: The LSA concurs.

LSA Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov

Professional Licensure Division

ARC 4745C (NOIA)

Rule Summary Changes the examination required for a permanent mental health counselor licensure to the National Clinical Mental Health Counselor Examination with an effective date of January 1, 2022. Specifies that an applicant shall complete a minimum of two calendar years of supervised practice. Specifies the expectation that temporary licensees not practice independently. Adds the American Mental Health Counselors Association to the Board's education equivalency rules. Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). Makes a technical correction.

State or Federal Law Implemented: Iowa Code chapter 154D.

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

LSA Response: The LSA concurs.

ARC 4746C (NOIA)

Rule Summary Removes the limit on the number of continuing education hours licensees may earn from taking online coursework to conform to 2019 Iowa Acts, chapter 83 (Social Work, Marital and Family Therapy, and Mental Health Counseling — Continuing Education — Online Credits Act). Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act).

State or Federal Law Implemented: Iowa Code section 147.10 and 2019 Iowa Acts, ch. 83 and ch. 91.

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

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LSA Response: The LSA concurs.

ARC 4768C (NOIA)

Rule Summary Incorporates the electronic transmission of prescriptions mandate and assesses an administrative penalty of \$250 per violation, up to a maximum of \$5,000 per day, within the Board's rules governing prescription requirements, to conform to changes made in 2018 Iowa Acts, chapter 1138 (Opioid Regulations Act). Administrative penalties are deposited into the Drug Information Program Fund and retained by the Board.

State or Federal Law Implemented: Iowa Code sections 124.308 and 155A.27.

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

LSA Response: The LSA concurs.

ARC 4785C (NOIA)

Rule Summary Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act).

State or Federal Law Implemented: Iowa Code sections 232.69 and 235B.16.

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

LSA Response: The LSA concurs.

ARC 4786C (NOIA)

Rule Summary Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act).

State or Federal Law Implemented: Iowa Code sections 232.69 and 235B.16.

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 4741C (NOIA)

Rule Summary Updates examination requirements for dental assistants by eliminating formal remediation requirements before an applicant who has twice failed required examinations can test for a third time.

State or Federal Law Implemented: Iowa Code section 153.39.

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

LSA Response: The LSA concurs.

ARC 4748C (AF)

Rule Summary Amends the standards of practice to establish standards for teledentistry

State or Federal Law Implemented: Iowa Code sections 147.10, 147.11, 153.15A, 153.33(8), 153.39, and 272C.2.

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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 Nursing

Rule Summary

Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). Removes references to wallet cards, since the Board no longer issues physical wallet cards to licensees. Specifies that a passing score on the Internet-based Test of English as a Foreign Language (TOEFL®) test is an 84 with a speaking score of at least 26.

ARC 4743C (NOIA)

State or Federal Law Implemented: Iowa Code sections 232.69 and 235B.16.

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

LSA Response: The LSA concurs.

Rule Summary

Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). Specifies that the subject matter of the licensee's continuing education should be applicable to the licensee's practice area. Expands the list of entities that may approve a continuing education offering. Eliminates the 90-day response deadline to submit documentation for continuing education makeup credit.

ARC 4744C (NOIA)

State or Federal Law Implemented: Iowa Code section 272C.2.

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

Rule Summary

Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act).

ARC 4796C (AF)

State or Federal Law Implemented: 2019 Iowa Acts, chapter 91.

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

LSA Response: The LSA concurs.

Rule Summary

Temporarily places five synthetic cannabinoids into Schedule I and two substances into Schedule IV of the Iowa Uniform Controlled Substances Act (Iowa Code chapter 124) in response to action taken by the federal Drug Enforcement Administration.

ARC 4797C (AF)

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State or Federal Law Implemented: Iowa Code sections 124.201 and 124.301.

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

LSA Response: The LSA concurs.

Rule Summary

Allows the pharmacist in charge of a managing pharmacy to designate a different pharmacist as pharmacist in charge of a telepharmacy site, makes conforming changes, and includes qualifying requirements. Expands the training requirements of telepharmacy technicians to allow training to occur at another pharmacy that uses the same audiovisual technology system as the telepharmacy or at the telepharmacy site under direct supervision.

ARC 4798C (AF)

State or Federal Law Implemented: Iowa Code section 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

Rule Summary

Establishes parameters that regulate the distribution of the Public Safety Survivor Benefits Fund created in Senate File 615 (FY 2020 Justice System Appropriations Act). Such parameters include the application process and how benefitting organizations will be chosen by the Department.

ARC 4799C (AF)

State or Federal Law Implemented: 2019 Iowa Acts, Senate File 615, section 38.

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

LSA Response: The LSA concurs.

Rule Summary

Updates the Department's existing rules regarding vehicle impoundment to be in line with the decision rendered in State v. Ingram, No. 16-0736 (Iowa 2018), which dealt with the inventory of closed containers. The rulemaking makes additional changes to provide a clearer interpretation of when a vehicle may be impounded.

ARC 4800C (AF)

State or Federal Law Implemented: Iowa Code sections 80.9(2) and 321.89.

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

LSA Response: The LSA concurs.

Rule Summary

Amends existing rules to reflect a recent departmental change of not charging retired peace officers a fee if they request a replacement identification card.

ARC 4801C (AF)

State or Federal Law Implemented: 18 U.S.C. §926C.

Fiscal Impact **Agency Response:** Minimal fiscal impact. Although the proposed change removes a \$5 fee per replacement license, this fee is not routinely charged to retired peace officers. The Department began printing these replacement cards in-house nine months ago and has printed three replacement cards in that time frame.

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LSA Response: The LSA concurs.

Rule Summary **ARC 4802C (AF)**
Amends existing rules regarding closed circuit surveillance systems to incorporate sports wagering into the existing scheme of surveillance required of gambling activities in the State. The goal of these amendments is to ensure that surveillance systems are able to capture all sports wagering-related activities within approved areas of a casino.

State or Federal Law Implemented: Iowa Code section 99F.4.

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

LSA Response: The LSA concurs.

LSA Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov

Department of Transportation

Rule Summary **ARC 4736C (NOIA)**
Provides for the inclusion of blackout license plates. Makes technical changes and accommodates electronic submission of license plate applications.

State or Federal Law Implemented: Iowa Code section 321.34 as amended by 2019 Iowa Acts, Senate File 638 (FY 2020 Standing Appropriations Act).

Fiscal Impact **Agency Response:** Between July 1, 2019, and November 30, 2019, the Department issued approximately 77,000 blackout plates. Based on those numbers and for that time frame, approximately \$3.3 million in additional revenue was deposited in the Road Use Tax Fund.

LSA Response: The LSA concurs.

Rule Summary **ARC 4759C (AF)**
Increases the driving distance that a student with a minor's school driver's license may drive when the student attends an accredited nonpublic school (private school) from 25 miles to 50 miles.

State or Federal Law Implemented: Iowa Code section 321.194 and 2019 Iowa Acts, Senate File 140 (School Permits for Nonpublic Students Act).

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

LSA Response: The LSA concurs.

Rule Summary **ARC 4760C (AF)**
Corrects the name of the Driver and Identification Services Bureau and removes unnecessary language. Provides that the length of participation in the 24/7 sobriety program shall be at least 90 days, with a minimum 30-day period where the person must not have had missed or failed an alcohol or drug test under the 24/7 program immediately preceding discharge from the program. Requires that the law enforcement agency that administers the 24/7 program within a participating jurisdiction notify the Department when a participant completes the program.

State or Federal Law Implemented: Iowa Code sections 321J.20 and 901D.7 and 2019 Iowa Acts, Senate File 364 (Sobriety and Drug Monitoring Program Act).

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

LSA Response: The LSA concurs.

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ARC 4770C (NOIA)

Rule Summary Corrects the name of the Vehicle and Motor Carrier Services Bureau, makes other technical changes, and makes rule changes related to certification of trust documents accepted for vehicle transactions, special farm truck weights, towable recreational vehicle dealers, and surety bond amounts for towable recreational vehicle dealers.

State or Federal Law Implemented: Iowa Code chapter 322C; and Iowa Code sections 321.466, 322C.4, and 633A.4604; and 2019 Iowa Acts, chapters 34, 53, 67, and 138.

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

LSA Response: The LSA concurs.

ARC 4771C (NOIA)

Rule Summary Addresses requirements for certified driver education instructors and parent-taught driver education.

Makes the following changes to certified behind-the-wheel driver education instructor requirements:

- Offers instructor refresher course options that are tailored to the specific audiences.
- Requires certified behind-the-wheel instructors to complete the instructor refresher course biennially beginning January 1, 2021.
- Aligns the Department's reasons for disqualification of a behind-the-wheel instructor with the reasons for which the Iowa Board of Educational Examiners may deny an application for licensure, certification, or authorization.

Regarding parent-taught driver education, this rulemaking removes the requirement for a student and parent to restart the course if the student and parent start an approved course before they receive Departmental approval to begin the course.

State or Federal Law Implemented: Iowa Code sections 307.12, 321.178, and 321.178A, and 2019 Iowa Acts, Senate File 319 (Driver Education Instructors — Peace Officers and Retired Peace Officers Act).

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

LSA Response: The LSA concurs.

ARC 4803C (AF)

Rule Summary Requires insurance carriers to implement electronic submission of proof of financial responsibility and cancellation of future proof of financial responsibility no later than July 1, 2021. Insurance carriers may use a trusted third-party website or implement a system that directly communicates with the Department's driver's license record system (ARTS). Also updates the contact information for the Driver and Identification Services Bureau, removes unnecessary language, corrects terminology, corrects form numbers, and includes or corrects form names for consistency.

State or Federal Law Implemented: Iowa Code chapters 321A and 325A.

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

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Department of Veterans Affairs

Rule Summary **ARC 4761C (AF)**
Removes awards for matching funds to veteran services organizations for accredited veteran services officers from the Iowa Veterans Trust Fund pursuant to 2018 Iowa Acts, chapter 1064 (Veterans Affairs Commission and Trust Fund Expenditures Act).

State or Federal Law Implemented: 2018 Iowa Acts, ch. 1064.

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

LSA Response: The LSA concurs.

Rule Summary **ARC 4767C (NOIA)**
Expands eligibility for the Injured Veterans Grant Program to no longer require a service member to have a combat-related injury and instead uses service-related injury as the new eligible condition, pursuant to 2019 Iowa Acts, chapter 9 (Veterans Services Act).

State or Federal Law Implemented: Iowa Code section 35A.14 as amended by 2019 Iowa Acts, ch. 9.

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

LSA Response: The LSA concurs in part. More service members are expected to potentially be eligible under the revised eligibility provision, resulting in a minimal fiscal impact.

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Department of Administrative Services

Rule Summary **ARC 4735C (NOIA)**
Establishes the Targeted Small Business procurement spending threshold at \$25,000. Also details reporting requirements for State agencies to the Department regarding Targeted Small Business procurement.

State or Federal Law Implemented: 2019 Iowa Acts, House File 485 (State Purchasing Requirements Relating to Targeted Small Business Procurement Goals Act).

Fiscal Impact **Agency Response:** Fiscal impact cannot be determined at this time.

LSA Response: The LSA concurs.

Rule Summary **ARC 4777C (NOIA)**
Creates a volunteer leave of absence for State Executive Branch employees. Employees may be granted up to eight hours of volunteer leave with pay to participate in volunteer activities with nonprofit organizations and governmental agencies.

State or Federal Law Implemented: Iowa Code section 8A.413(21).

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

LSA Response: The LSA concurs in part. While this rule making will not create an incremental increase in department budgets, there will be an indeterminable fiscal impact to the State in that the Executive Branch will be providing eight hours of paid time to all employees but not receiving the productivity benefit of those hours. At this time, there is no information to determine the utilization of this program.

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Department of Public Health

ARC 4765C (NOIA)

Rule Summary Repeals the requirement that a licensing authority take action against a person to whom the authority issues a license who is in default or is delinquent on repayment or a service obligation under federal or State postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

State or Federal Law Implemented: 2019 Iowa Acts, Senate File 304 (Licenses, Student Loan Delinquency Act).

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

LSA Response: The LSA concurs.

ARC 4773C (NOIA)

Rule Summary Amends the lead-based paint activities regulations to update definitions, decrease the dust-lead hazard threshold to Environmental Protection Agency levels, revise training requirements, and make overall revisions.

State or Federal Law Implemented: Iowa Code section 135.105A.

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

LSA Response: The LSA concurs.

ARC 4766C (NOIA)

Rule Summary Provides a general update to the Iowa Care For Yourself (IA CFY) Program.

State or Federal Law Implemented: Iowa Code section 135.11(1).

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

LSA Response: The LSA concurs.

ARC 4772C (NOIA)

Rule Summary Amends the Medical Cannabidiol Program regulations on manufacturers to update definitions, remove a prohibition on advertising by health care practitioners, revise the process for product recalls, revise transportation regulations, permit a manufacturer to use product samples returned from a laboratory for research and development or to conduct stability studies, and revise regulations on what needs to be documented for crop inputs and plant batches.

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

Department of Agriculture and Land Stewardship

ARC 4784C (NOIA)

Rule Summary Clarifies and describes rules for inspecting animals at exhibitions in order to control the spread of infectious or contagious diseases.

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	State or Federal Law Implemented: Iowa Code chapter <u>163</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	ARC 4788C (AF) Updates the distance requirements for the storage of bulk dry animal nutrients.
	State or Federal Law Implemented: Iowa Code chapter <u>200A</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	ARC 4790C (AF) Allows the Department of Agriculture and Land Stewardship (DALs) to participate in the United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) <u>Cooperative Interstate Shipment (CIS) Program</u> . Provides the opportunity for State-inspected meat and poultry establishments to develop new markets for their products. State-inspected plants continue to operate under State inspection laws but adhere to federal food safety standards. As a result, they can distribute their products through interstate commerce. The CIS guidelines are limited to firms with 25 or fewer employees. A study by Dave Swenson at Iowa State University stated that the 2016 County Business Patterns reported 60.0% of the slaughter and meat processing plants in Iowa have fewer than 25 employees. State or Federal Law Implemented: Iowa Code chapter <u>189A</u> .
Fiscal Impact	Agency Response: Anticipated costs are one-time expenditures that include staff training and laboratory equipment purchases to meet federal standards. Federal grant dollars are being utilized for equipment expenditures and will be included in the Iowa Laboratory budget. One-time expenditures are estimated to include: Meat and Poultry Inspections Bureau: <ul style="list-style-type: none">• Estimated costs to train 17 employees range between \$105,000 and \$120,000. This includes training fees and travel costs. Nine of the employees will be trained in FY 2020 and eight will be trained in FY 2021.• Any additional newly hired employees will be required to complete training. The estimated costs in future years range between \$7,000 and \$14,000 per year.• Training costs are paid through a Meat and Poultry Cooperative Agreement with the federal government. The federal government pays 60.0% and Iowa pays 40.0% of the costs. Iowa Laboratory: <ul style="list-style-type: none">• Equipment costs for a protein analyzer are estimated between \$65,000 and \$70,000. The equipment will be part of the Iowa Laboratory budget and not the Meat and Poultry Inspections Bureau budget as the equipment will be primarily used to analyze feed samples for the Feed and Fertilizer Bureau.• There will be an estimated cost of \$10,000 to \$12,000 per year for equipment accreditation. The expenditures will be part of the Iowa Laboratory budget. LSA Response: The LSA concurs.

ARC 4789C (AF)

- Rule Summary** Updates rules related to commercial establishments that handle animals by doing the following:
- Ensures all dogs and cats handled by commercial establishments are provided with humane care and treatment.
 - Regulates the transportation, sale, purchase, housing, care, handling, and treatment of dogs and cats by persons engaged in transporting, buying, or selling them.
 - Provides that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.
 - Authorizes the sale, trade, or adoption of only those animals which appear to be free of infectious or communicable disease.
 - Protects the public from zoonotic disease.
 - Establishes subclassifications of licenses and further clarifies requirements.

State or Federal Law Implemented: Iowa Code chapter 162.

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

Department of Commerce/Alcoholic Beverages Division

ARC 4791C (AF)

Rule Summary Rescinds a rule which prohibited a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages from having any interest, whether direct or indirect, in the ownership, conduct, or operation of another licensee or permittee authorized to sell at retail.

State or Federal Law Implemented: Iowa Code sections 123.45 and 123.86 and 2019 Iowa Acts, House File 668 (Alcoholic Beverages, Three-Tier System Reform Act).

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

School Budget Review Committee

ARC 4782C (AF)

Rule Summary Amends the application and approval processes regarding requests for modified supplemental amount for programs for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention programs. The rulemaking also makes minor changes to terminology and to School Budget Review Committee procedures.

State or Federal Law Implemented: Iowa Code sections 257.30, 257.31, and 257.40.

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

LSA Response: The LSA concurs.

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Iowa Public Information Board

ARC 4754C (AF)

Rule Summary Removes language that allows the Board to direct administrative resolution of a matter without making a determination as to whether a violation occurred. Adds provisions relating to exempt sessions.

State or Federal Law Implemented: Iowa Code chapters 21 and 22.

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

LSA Response: The LSA concurs.

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Professional Licensure Division

ARC 4742C (NOIA)

Rule Summary Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act).

State or Federal Law Implemented: Iowa Code sections 232.69 and 235B.16.

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 4749C (AF)

Rule Summary Implements HF 288 (Military and Veterans Benefits Act), which requires agencies to establish procedures to expedite the licensing of a spouse of an active duty member of the military forces who is licensed in a similar profession or occupation in another state.

State or Federal Law Implemented: Iowa Code section 272C.4 as amended by 2019 Iowa Acts, HF 288.

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

LSA Response: The LSA concurs.

ARC 4747C (AF)

Rule Summary Implements 2019 Iowa Acts, Senate File 304 (Licensing Sanctions Act), which prohibits the suspension or revocation of a license of a person who is in default or is delinquent on repayment or of a service obligation under federal or State postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

State or Federal Law Implemented: 2019 Iowa Acts, Senate File 304.

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

LSA Response: The LSA concurs.

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Board of Nursing

Rule Summary **ARC 4756C (AF)**
Removes outdated rules pursuant to implementing SF 304 (Licensing Sanctions Act), which prohibits the suspension or revocation of the license of a person who is in default or is delinquent on repayment or a service obligation under federal or State postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

State or Federal Law Implemented: Iowa Code section 272C.4(10).

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

LSA Response: The LSA concurs.

Rule Summary **ARC 4757C (AF)**
Implements HF 288 (Military and Veterans Benefits Act), which requires agencies to establish procedures to expedite the licensing of a spouse of an active duty member of the military forces who is licensed in a similar profession or occupation in another state.

State or Federal Law Implemented: Iowa Code section 272C.4(10).

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

LSA Response: The LSA concurs.

Rule Summary **ARC 4755C (AF)**
Implements SF 304 (Licensing Sanctions Act), which prohibits the Board from suspending or revoking a license of a person who is in default or is delinquent on repayment or a service obligation under federal or State postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

State or Federal Law Implemented: Iowa Code section 272C.4(10).

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

LSA Response: The LSA concurs.

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Department of Transportation

Rule Summary **ARC 4758C (AF)**
Repeals an authorization for the Department of Transportation (DOT) to suspend a driver's license or vehicle registration privileges for delinquent student loans. Prior to issuing suspensions, the DOT was required to receive a certificate from the Iowa College Student Aid Commission. The DOT reports that the Student Aid Commission has not pursued a suspension since 2012.

State or Federal Law Implemented: Iowa Code section 261.126 and 2019 Iowa Acts, Senate File 304 (Licensing Sanctions Act).

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

LSA Response: The LSA concurs.

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