



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

July 10, 2012

Iowa Code section 17A.4(4) requires the Legislative Services Agency 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. This and previous summaries can be found at <https://www.legis.iowa.gov/LSAReports/fiscalImpactAdminRules.aspx>.

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*Agencies with a blue border have one or more rules with a significant fiscal impact

Fair Board

ARC 0163C

Rule Summary

Updates language pertaining to general practices conducted during annual and year-round activities at the Iowa State Fair. Changes include:

- Increasing the number of elected board members from 10 to 12.
- Electing all board officers by the Board instead of the president.
- Increasing the cost of copying State Fair records, including board minutes, from 10 cents to 15 cents per page; the first 10 pages are free.
- Permitting the Board to retain an administrative law judge for hearings and appeals.
- Increasing the fee for a returned check from \$10 to \$20.
- Increasing required minimum general liability insurance by licensees from \$500,000 to \$1.0 million.
- Setting selected fees at a daily rate instead of hourly or other lengths of time.
- Other issues such as appeals, ticket refunds, and technical changes.

This rule was first published as ARC 0049C on March 21, 2012 and came before the Administrative Rules Review Committee in April 2012. Changes were made as a result of comments by the Committee:

- The per page copy price was reduced to 15 cents from the proposed 50 cents;
- In case of an exhibitor's appeal, the fair board may retain an administrative law judge for an evidentiary hearing;
- A violation of campground rules is grounds for expulsion for the remainder of the fair and/or indefinitely without refunds; and,
- The change to prohibited containers from "glass bottles and cans" to "bottles and cans" was eliminated.

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Fiscal Impact Fiscal impact could not be determined but is not expected to be significant.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Department of Administrative Services

ARC 0180C

Rule Summary Updates rules for the Information Technology Enterprise (ITE) and the Human Resources Enterprise (HRE) within Department of Administrative Services (DAS). Changes include:

- Amending definitions to reflect existing statutes, eliminating unnecessary terms, and making technical and grammatical changes.
- Making conforming changes to the Information Technology Enterprise rules to be consistent with current law by deleting obsolete terminology, replacing the Technology Governance Board with the Technology Advisory Council, and providing for the state Chief Information Officer.

The DAS is undertaking a comprehensive review of all existing DAS rules. These changes are intended to be the first installment of this review.

Fiscal Impact No fiscal impact to the State.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Dental Board

ARC 0164C

Rule Summary Allows dental license applicants applying within three months of the biennial license renewal date to pay the application fee and renewal fee at the same time. Applicants acquiring a license under these circumstances will receive a license for a period of 24 months plus the amount of time remaining until the next renewal due date and be relieved of submitting two separate applications within a three-month period.

Fiscal Impact No fiscal impact.

ARC 0170C

Rule Summary Establishes a process to allow for a dental assistant trainee who does not become a registered dental assistant within 12 months of the first date of employment as a dental assistant to reapply to become a dental assistant trainee. Clarifies that out of state dental assistants applying for an Iowa dental assistant registration must have at least six months of prior dental assisting experience under a licensed dentist within the past two years and requires that dental assistant trainees must have a certification of dental assistant trainee status issued prior to beginning work as a dental assistant trainee.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Aaron Todd (Ext. 16764)

Early Childhood Iowa State Board

ARC 0179C

Rule Summary Articulates where the public can access information regarding the location of Early Childhood Iowa State Board adopted guidelines and standards for services provided under a school ready children grant.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Aaron Todd (Ext. 16764)

Environmental Protection Commission**ARC 0165C**

Rule Summary Adopts federal regulation for New Source Performance Standards (NSPS) and National Emission Standard for Hazardous Air Pollutants (NESHAP). NSPS apply to new stationary sources of emissions. The Commission is adopting by reference EPA amendments for stationary compression ignitions diesel engines and stationary spark ignition engines. The Commission will not adopt NSPS and NESHAP standards for portland cement plants.

Adopts new NESHAP standards and amendments to existing NESHAP standards. NESHAP apply to new and existing sources of air toxic emissions. These amendments will adopt by reference federal amendments to NESHAP for Gasoline Distribution and Plating and Polishing. Additionally, new NESHAP standards for Aluminum, Cooper and Other Nonferrous Foundries are adopted.

Clarifies Commission action related to Executive Order 72. Executive Order 72 rescinded the adoption of NESHAP rules for reciprocating internal combustion engines (RICE), Prepared Feed Manufacturing, Chemical Manufacturing and Paint and Allied Products Manufacturing. This action re-adopts NESHAP rules for Paint and Allied Products Manufacturing. The Commission will not adopt NESHAP standards for RICE, Prepared Feed Manufacturing, and Chemical Manufacturing. All rules not adopted in this notice are currently under reconsideration by the EPA.

Fiscal Impact No fiscal impact

ARC 0161C

Rule Summary Repeals chapters of the Iowa Administrative Code, including Chapter 140, "Scope of Title – Definitions – Forms – Rules of Practice," Chapter 141, "Hazardous Waste," Chapter 148, "Registry of Hazardous Waste or Hazardous Substance Disposal Sites," Chapter 150, "Location and Construction of Hazardous Waste Treatment, Storage and Disposal Facilities," and Chapter 151, "Criteria for Siting Hazardous Waste Management Facilities". These chapters implemented sections of the Code that were repealed in Senate File 299, signed March 30, 2011.

Fiscal Impact No fiscal impact.

ARC 0182C

Rule Summary Adds three additional hearings to allow further public input on a new IAC Chapter. Chapter 17 will create regulatory options to be used before, or in lieu, of administrative penalties defined in IAC 567 Chapter 10. The goal is to enhance compliance without resorting to administrative penalties. This action will formalize existing practices.

Fiscal Impact No fiscal impact.

ARC 0162C

Rule Summary Extends the deadline for public comments on proposed amendments to Chapters 20, 22, and 25 by forty-five days. Revisions to these Chapters will amend air quality rules including requirements for state testing and portable plant relocations. The period will run from May 18, 2012, to July 3, 2012.

Fiscal Impact No fiscal impact.

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Department of Natural Resources

ARC 0167C

Rule Summary Amends Chapter 9 of Iowa Administrative Code 561. Form 542-0960, "Groundwater Hazard Statement," will be revised. Revisions clarify the circumstances requiring a "time of transfer private sewage disposal system inspection." These inspections are mandatory for buildings with sewage disposal systems, and buildings mandated to operate sewage disposal systems.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Adam Broich (Ext. 18223)

Iowa Finance Authority

ARC 0183C

Rule Summary Amends chapter on the Shelter Assistance Fund (SAF) to reflect changes made to the federal Emergency Solutions Grants program. Changes include:

- Updating the name of the program.
- Adding the ability to require participants to provide local match.
- Adding the ability to require sub-recipients to provide local match.
- Extending the amount of time records must be maintained after the end of the grant period.

Fiscal Impact No fiscal impact. Program participants, such as emergency shelters, may be required to provide a local match, but wages paid to employees and/or the value of volunteered services may be counted towards the match. Subrecipients may be required to provide a match for SAF funds.

ARC 0186C

Rule Summary Amends chapter on the federal Emergency Shelter Grants Program to conform to recent changes to U.S. Department of Housing and Urban Development regulations. Changes include:

- Updating the name of the program from Emergency Shelter Grant to Emergency Solutions Grant.
- Adding the ability to require participants to provide local match.
- Revising eligible activities.
- Removing the maximum allowed amount on administrative costs. The federal limit moved to 7.5%.
- Ensuring compliance with applicable federal and state laws.
- Extending the amount of time records must be maintained after the end of the grant period.

Fiscal Impact No fiscal impact. Program participants, such as emergency shelters, may be required to provide a local match, but wages paid to employees and/or the value of volunteered services may be counted towards the match.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Labor Services Division – Iowa Workforce Development

ARC 0173C

Rule Summary Adopts by reference changes to the federal Occupational Safety and Health Standards.

Fiscal Impact No fiscal impact.

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ARC 0175C

Rule Summary Adopts by reference changes to the federal Occupational Safety and Health Standards.

Fiscal Impact No fiscal impact.

ARC 0168C

Rule Summary Adopts by reference the most recent American Society of Mechanical Engineers conveyance codes with the exception of one rule pertaining to telephone lines. Mandates the use of an acceptance inspection check list for installation of new conveyances. Makes numerous technical and editorial changes to the board's procedural rules. The amendment no longer references remote manipulation and remote monitoring, and effective dates have been changed.

Fiscal Impact Minimal fiscal impact.

ARC 0171C

Rule Summary Creates method for owners of elevators located in unoccupied buildings to apply for a temporary removal of service which may last for a period of up to three years.

Fiscal Impact Minimal fiscal impact to the Elevator Revolving Fund.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Board of Medicine

ARC 0176C

Rule Summary Requires licensees - M.D. and D.O. physicians and licensed acupuncturists - to report to the Board of Medicine any adversarial action taken against a licensee's hospital privileges, any voluntary action by a licensee to relinquish or restrict privileges to avoid a hospital privileges investigation, and an adversarial action against the licensee's privileges by the hospital within ten days of such action.

Fiscal Impact No fiscal impact.

ARC 0177C

Rule Summary Establishes as grounds for discipline a licensee's failure to provide timely reports and documentation of any adversarial action against a licensee's hospital privileges or any voluntary action taken by the licensee to relinquish or restrict privileges to avoid a hospital investigation or hospital action.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Aaron Todd (Ext. 16764)

Pharmacy Board

ARC 0155C

Rule Summary Authorizes a pharmacist or pharmacist-intern, upon the request of a patient, to transfer one or more prescriptions to the pharmacy of the patient's choice. A transfer must be initiated by direct communication between a pharmacist or pharmacist-intern at the transferring pharmacy and a pharmacist or pharmacist-intern at the receiving pharmacy. Following direct communication between authorized individuals, the transfer of prescription information may be accomplished by facsimile transmission in compliance with the record requirements of the rule.

Fiscal Impact No fiscal impact.

ARC 0172C

Rule Summary Excludes nonmedicated intravenous solutions from the definition of “drug” and specifies that records that are required to be maintained by or within an emergency medical services program are to be maintained and made available for inspection and copying by the Board, the Board's representative, or other authorized individual. Provides that the monthly inspection of drug supplies maintained at the primary emergency medical services program site may be inspected by a pharmacist, pharmacist-intern, certified pharmacy technician, or the service director if the program is a pharmacy-based service or by the medical director, service director, or other designated emergency medical services personnel if the program is a medical director-based program. Clarifies the content and format of the required record following the administration of a controlled substance.

Fiscal Impact No fiscal impact.

ARC 0153C

Rule Summary Adds “probation or parole officer” to the list of agents included in the definition of “law enforcement officer,” provides validity to written records of pseudoephedrine transactions when the Pseudoephedrine Tracking System (PTS) is unavailable provided that the transaction information is entered into the PTS within 72 hours of the PTS becoming available, and clarifies the processes for release of information from the PTS to law enforcement officers.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Aaron Todd (Ext. 16764)

Department of Human Services

ARC 0148C

Rule Summary Changes the procedures for determining self-employment income for the Family Investment Program FIP and for Food Assistance. Applicants and participant households with self-employment income may choose between receiving a standard deduction of 40% from their gross self-employment income or having their actual documented, allowable self-employment expenses deducted from their gross self-employment income.

Fiscal Impact This change is estimated to cost of the General Fund \$112,000 in FY 2013 and \$245,000 in FY 2014. No funding has been provided for this change but the Department believes the FY 2013 could be covered in the current budget.

ARC 0149C

Rule Summary Makes the following changes to the Medicaid for Employed People with Disabilities (MEPD) Program:

- Increases premiums for applicants and recipients under the MEPD program with income that exceeds 165.0% of the federal poverty level (FPL) and adjusts the sliding scale increments used to determine the MEPD premiums. The premium amount for applicants and recipients with incomes that exceed 150.0% of the FPL but less than 165.0% of FPL was not increased in order to maintain a sliding scale with a reasonable number of gradually increasing income and premium increments.
- Clarifies when to reopen an individual's case if cancelled for non-payment.
- Revises the policy on where to mail the MEPD premiums.
- Revises the form number of the MEPD billing statement.

Fiscal Impact The increase in premiums is anticipated to save the General Fund \$21,000 annually in FY 2013 and FY 2014.

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ARC 0150C

Rule Summary Allows staff to use telephone scheduling for interview appointments for Medicaid eligibility determinations.

Fiscal Impact No fiscal impact.

ARC 0151C

Rule Summary Adjusts the sliding scale used to determine premiums for medical assistance benefits under the IowaCare program to reflect the revised 2012 FPL for household size and continue to limit all premiums to less than five percent of household income.

Fiscal Impact Minimal fiscal impact.

ARC 0152C

Rule Summary Updates the Child Care Assistance fee schedules for FY 2013 based on 2012 FPL. The Department of Human Services reviews the fee schedule annually in relation to the poverty income guidelines. The new fee schedule will be applied to all new applications as of July 1, 2012, and will be applied to existing cases when an applicant's eligibility is re-determined during an annual recertification or when a family change affects eligibility, such as the birth of a child.

Fiscal Impact Minimal fiscal impact. Approximately three-fourths of families receiving Child Care Assistance pay no fees because their income is below the poverty level or the family is eligible for assistance without regard to income.

SPECIAL REVIEW
Rule Summary Provides an increase to the foster family daily reimbursement rate and adoption subsidy daily maintenance rates effective July 1, 2012.
Fiscal Impact This change is estimated to cost the the General Fund is \$1.5 million in FY 2013. Funding for the rate changes was included in SF 2336 (FY 2013 Health and Human Services Appropriations Act).

STAFF CONTACT: Jess Benson (Ext. 14611) or Aaron Todd (Ext. 16764)

Accountancy Examining Board

ARC 0174C

Rule Summary Amends definitions of attest and attest service to match Iowa Code section 542 dealing with public accountants. Also rescinds titles and sub-rules that are no longer applicable.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Dw ayne Ferguson (Ext. 16561)

Alcoholic Beverages Division

ARC 0157C

Rule Summary Clarifies that a dramshop insurance policy is to be in effect during the entirety of the license or permit term. Authorizes the Alcoholic Beverages Division to request a duplicate copy of the insurance policy, including endorsements. Adds language to reflect the Division's current practices, including methods to notify the Division of a dramshop liability insurance policy cancelation and proof of financial responsibility. Rescinds language that is either unnecessary or redundant. Clarifies that a single dramshop insurance policy that covers multiple licensed establishments must provide the minimum level of insurance coverage and meet all other provisions of the dramshop rule for all locations.

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Fiscal Impact No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Blind, Department for the

ARC 0181C

Rule Summary Eliminates one subrule related to the prohibition of tobacco products which is now addressed by Iowa Code chapter 142D. Updates the department's business hours and references to the Code of Federal Regulations. The following technical changes are made:

- Updates information to reflect current terminology.
- Deletes unnecessary and redundant text.
- Notes that enrollment in the adult orientation and adjustment center is limited to persons 17 years or older instead of 16 years and older.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: John Parker (Ext. 52249)

College Student Aid Commission

ARC 0160C

Rule Summary Eliminates rules for the administration of the Washington DC Internship Grant Program in the College Student Aid Commission. The Program was created in the FY 2009 Education Appropriations Act to provide one-semester internship opportunities for Iowa college students, with an emphasis on an agricultural biofuels from biomass internship pilot program. The Program received an appropriation of \$100,000 from the General Fund in FY 2009 and has received no further funding.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Engineering and Land Surveying Examining Board

ARC 0156C

Rule Summary Changes the title of "land surveyor" to "professional land surveyor." Requires the seal of a professional land surveyor to include the term "professional" instead of allowing its use to be optional.

Fiscal Impact No fiscal impact.

ARC 0159C

Rule Summary Makes professional land surveyor license applications via comity comparable to engineering license applications via comity. Allows for the acceptance of experience acquired out-of-sequence and for required examinations to be taken out-of-sequence. Prohibits licensees from accepting, soliciting, or having review authority over private professional contracts for governmental bodies while they or a member of their organizations are participants of the governmental body.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Department of Management

ARC 0178C

Rule Summary Clarifies and defines when an audit is necessary of the Early Childhood Iowa funds managed by area boards.

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Fiscal Impact No fiscal impact.

STAFF CONTACT: John Parker (Ext. 52249)

Regents Board

ARC 0185C

Rule Summary Defines “guest” for purposes of rules regarding parking on the campus of Iowa State University. Increases the sanction for improper parking in a space designated for persons with disabilities from \$100 to \$200 in compliance with Iowa Code section 805.8A.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Secretary of State

ARC 0154C

Rule Summary Establishes uniformity throughout the State regarding the last day to receive timely postmarked absentee ballots in any election where the United States post office is closed on the deadline.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Transportation

ARC 0158C

Rule Summary Increases the tier of driver's license suspensions for conviction of a first, second, or subsequent violation for the driving privileges of individuals that are convicted of passing a stopped school bus. Privileges will be suspended for a period of 30 days for a first conviction, 90 days for a second conviction, and 180 days for a third or subsequent conviction.

Fiscal Impact No Fiscal Impact to the State. Drivers that receive a suspension of their driving privileges will incur some amount of expense and inconvenience associated with the loss of their driving privileges.

STAFF CONTACT: Estelle Montgomery (Ext. 52261)
