

ARC 9560B and ARC 9559B

Rule Summary Establishes a standard of maximum allowable deviation of population between school director districts and city wards when boundaries are drawn. The Iowa Code requires both school director districts and city wards to be as equal as practicable to the ideal population determined as follows:

- By dividing the total population of the school district by the number of director districts.
- By dividing the total population of the city by the number of wards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: David Reynolds (Ext. 16934)

Banking Division – Department of Commerce

ARC 9592B and ARC 9593B

Rule Summary Requires independent real estate closing companies to be licensed as a closing agent by the Banking Division beginning July 1, 2011, and requires applicants for closing agent to submit to background checks and post a bond to be licensed.

Fiscal Impact No fiscal impact. The Division of Banking anticipates using existing staff to implement the licensing requirements. All costs of regulation will be paid by licensees.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Environmental Protection Commission

ARC 9553B

Rule Summary Allows the reissuance of a five-year National Pollutant Discharge Elimination System (NPDES) General Permit No. 5 for mining and processing facilities. This Permit authorizes the discharge of wash water, materials transport water, scrubber water used for air pollution control, water used for dust suppression, mine or quarry dewatering, and noncontact cooling water used for ancillary mining equipment to surface water throughout Iowa. Other changes include:

- Requires facilities to submit a sulfate sample to determine if the facility will receive a General Permit No. 5 or must apply for an individual permit.
- Requires dischargers to use best management practices to reduce the discharge of pollutants.
- Requires facilities to notify the Department of Natural Resources (DNR) when there is a change in the operator of mining and processing facilities permitted by General Permit No. 5
- Establishes the effective date for the reissued General Permit No. 5.
- Adds the General Permit No. 5 annual fees to the fee schedule.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Natural Resource Commission

ARC 9585B

Rule Summary Rescinds fishing tournament rules to reflect relocation as special events rules.

Fiscal Impact No fiscal impact.

ARC 9587B

Rule Summary Modifies the hunter orange requirement for hunting with blinds during the shotgun season so that the visible orange is a minimum size instead of a shape. Requires antlerless deer to be tagged on a leg and antlered deer to be tagged on the main beam of the antler. This change will keep the tag from being pulling off accidentally during transport.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Board of Pharmacy

ARC 9554B

Rule Summary Requires a pharmacist to complete at least two continuing education units (CEUs) relating to patient or medication safety and at least two CEUs relating to pharmacy law. Requires certain accreditation of the entities providing the required CEUs.

Fiscal Impact No fiscal impact. The rule does not change the number of CEUs that are required to be completed by pharmacists. Pharmacists must complete 30 contact hours, including fifteen hours in drug therapy. Of the remaining fifteen required hours, at least two hours of activities dealing with patient or medication safety and at least one hour of activities dealing with pharmacy law.

ARC 9557B

Rule Summary The following rules relate to Tech-Check-Tech Programs: (A [Tech-Check-Tech Program](#) is a Program that permits one certified pharmacy technician to review the work of another certified pharmacy technician at the discretion of the pharmacist in charge. These Programs are permitted in limited settings such as hospitals, long-term care settings, or other institutional settings (like residential care facilities), but not in community practice.)

- Permits a Tech-Check-Tech Program in a hospital pharmacy or in a general pharmacy providing pharmaceutical services to patients in a residential care facility.
- Establishes the application requirements for a Tech-Check-Tech Program in a pharmacy.
- Requires a pharmacy to submit an application to the Board of Pharmacy for approval at least 90 days prior to the anticipated implementation.
- Requires Board approval prior to implementation of the plan.
- Requires a pharmacy technician authorized by the pharmacist in charge to participate in an approved Program to be registered with the Board and maintain national certification as a pharmacy technician.
- Requires certain pharmacy technician training, supervision of participating pharmacy technicians, program and participant evaluations, and recordkeeping requirements.

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- Establishes exceptions to the requirement for the final verification by a pharmacist of the validity of a prescription dispensed by a certified pharmacy technician when the certified pharmacy technician is participating in an approved Tech-Check-Tech Program.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees collected from licensees to fund its operations and activities.

Rule Summary **ARC 9555B**
Requires certain information in the application for registration as a pharmacist-intern. Provides for technical changes for incorrect references and renumbering.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 9556B**
Clarifies the authority of a pharmacy support person, under the supervision of a pharmacist, to place a prescription container that has been verified by a pharmacist in a bag or sack for delivery to the patient as part of the sales transaction.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Thompson (Ext. 16764)

Professional Licensure Division – Department of Public Health

Rule Summary **ARC 9579B**
Board of Physician Assistants: Terminates Noticed Rule ARC 9550B relating to prescribing authority by physician assistants due to final changes made by the Board that were inadvertently omitted.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 9580B**
Board of Physician Assistants: Permits advanced notification by a supervising physician to the entity filling a prescription, of a list of supervised physician assistants that have been delegated prescriptive authority. Currently many billing systems do not have fields to allow multiple names to be submitted and current law requires a supervising physician's name to be included on each electronic prescription.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 9568B**
Board of Sign Language Interpreters and Transliterators: Clarifies that conviction of a crime includes when the judgment of conviction or sentence was deferred.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Thompson (Ext. 16764)

Department of Public Safety

ARC 9561B

Rule Summary Adopts the International Fire Code by reference. Clarifies the qualifications of persons that perform required annual inspections of bleachers, folding and telescopic seating, and grandstands.

Fiscal Impact No fiscal impact.

ARC 9562B

Rule Summary Adopts the International Building Code by reference. Clarifies the qualifications of persons that perform required annual inspections of bleachers, folding and telescopic seating, and grandstands.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Department on Aging

ARC 9576B and 9577B

Rule Summary Updates the funding formula used to allocate funding to area agencies on aging based on the elimination of the Senior Living Trust Fund.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jess Benson (Ext. 14611)

Iowa Finance Authority

ARC 9590B

Rule Summary Revises the definition of qualified mortgage to allow non-fixed-rate mortgages to qualify for assistance in certain circumstances. Makes home purchases by members of the Armed Services made between July 1, 2008, and July 1, 2010, with loans from nonparticipating lenders retroactively eligible, subject to certain requirements.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Department of Human Services

ARC 9589B

Rule Summary The proposed rules relate to the child abuse proceedings and the Central Child Abuse Registry. They are summarized as follows:

- Reduces the time limit for appeal of a child abuse finding from six months to 90 days.
- Clarifies that failure on the part of the person responsible for the care of a child to provide adequate medical or mental health treatment or to provide adequate supervision meets the definition of child abuse.
- Clarifies when a finding of child abuse is to be placed on the Central Child Abuse Registry.
- Removes obsolete provisions for review of abuse cases placed on the Registry before 1997.

- Prohibits certain information, with specified exceptions, on founded abuse cases from placement on the Registry when the Department of Human Services (DHS):
 - Found an allegation of physical abuse but determined that the resulting injury was minor, isolated, and unlikely to reoccur.
 - Found an allegation of abuse by failure to provided adequate supervision or adequate clothing but determined that the resulting risk to the child's health and welfare was minor, isolated, and unlikely to reoccur.

However even in the circumstances listed above, the findings are to be placed on the Registry if:

- The case was referred for juvenile or criminal court action due to the acts or omissions of the alleged perpetrator of abuse.
 - The DHS has determined within the past 18 months that other acts or omissions of the alleged perpetrator meet the definition of abuse.
 - The DHS determined that the alleged perpetrator will continue to pose a danger to children.
- Prohibits the name of the alleged perpetrator of founded sexual abuse from being placed on the Registry when the alleged perpetrator is age 13 or younger.
 - Allows a court to find good cause for not listing the name when the alleged perpetrator is aged 14 through 17. All other child abuse information in these cases will be listed on the Registry.

Fiscal Impact No fiscal impact.

ARC 9591B

Rule Summary Increases the existing assessment fee from 5.5% to 6.0% for Intermediate Care Facilities for people with Mental Retardation (ICF/MR).

Fiscal Impact The increased assessment will generate additional revenue of \$780,000 in FY 2012 and \$1.0 million in FY 2013. These amounts represent only the State portion of the Medicaid funds and are retained by the Medicaid Program for expenditure rather than deposited in the General Fund.

ARC 9581B

Rule Summary Provides the annual update of the premium levels for the Medicaid for Employed Persons with Disabilities (MEPD). Changes the location and process for receipt of premiums from Medicaid clients.

Fiscal Impact These changes will save the General Fund \$34,000 in FY 2012 and \$76,000 in FY 2013.

ARC 9582B

Rule Summary Provides the annual updates of the statewide average cost of nursing facility services to a private-pay resident and the statewide average charges or maximum Medicaid rate for four levels of care in a medical institution.

Fiscal Impact Minimal fiscal impact.

ARC 9588B

Rule Summary Updates Medicaid coverage and payment provisions for case management services.

Fiscal Impact Minimal fiscal impact.

ARC 9563B

Rule Summary The proposed rules relate to requirements for agencies that provide child placement services in the area of supervised apartment living. They are as follows:

- Requires a description of education and community activity options available to be included in the agency program statement that is given to all children in supervised apartment placement.
- Requires the agency to document findings that the proposed living situation is safe; accessible to the child’s school, work, and activities; reasonably priced; and the agency program will meet the child’s needs.
- Removes the requirement that the child’s combination of school and work must be equivalent to a full-time commitment.
- Requires the agency to involve the child’s family in the development of the child’s service plan and specifies the elements that the service plan must include.
- Requires that agency staff be present in a cluster-site arrangement at any time when a child is in the living unit and to be available to the children in placement 24 hours per day, seven days per week.
- Requires agency staff to document personal observations that the living situation allows for the child’s social and emotional needs to be met, has a telephone and a working smoke detector, and presents no reasonable cause for believing that the child’s mode of living presents unacceptable risks to the child’s health or safety.

Fiscal Impact No fiscal impact.

70 Delay from April - ARC 9403B

Rule Summary Updates, streamlines, and clarifies Medicaid policy for Home and Community-Based Services to achieve uniform application of policy and to reduce the number of policy exceptions requested.

Fiscal Impact No fiscal impact due to waiver enrollment caps. The change is not expected to increase in cost since most expected costs are being incurred with current exceptions to policy.

STAFF CONTACT: Jess Benson (Ext. 14611) Deborah Thompson (Ext. 16764)

Department of Agriculture and Land Stewardship

ARC 9583B and ARC 9584B

Rule Summary Transfers the Renewable Fuels Program from the Department of Economic Development to the Department of Agriculture and Land Stewardship.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Corrections

ARC 9578B

Rule Summary Permits a sheriff's discretion to determine if electronic devices can be carried by staff in a jail. Complies with a 2010 statutory change requiring veteran status verification of newly admitted prisoners. Addresses installation of mirrors, ensures adequate meals are served, and requires annual staff training on suicide prevention.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

Board of Educational Examiners

ARC 9570B

Rule Summary Reestablishes an existing fee of \$85 for initial issuance or renewal of the Professional Service License.

Fiscal Impact No fiscal impact.

ARC 9573B

Rule Summary Defines "valid license" for purposes of obtaining a two-year nonrenewable Class B license while completing an endorsement.

Fiscal Impact No fiscal impact.

ARC 9572B

Rule Summary Establishes rules for a new School Business Official authorization.

Fiscal Impact No significant fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Engineering and Land Surveying Examining Board

ARC 9567B

Rule Summary Prohibits an applicant that has failed two consecutive examinations of the state-specific portion of the Professional Land Surveying Examination from retaking the exam for the next two years in order for the applicant to acquire the necessary skill and knowledge to successfully pass the exam.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Landscape Architectural Examining Board – Department of Commerce

ARC 9569B

Rule Summary Removes unnecessary date-specific language regarding self-study professional development hours.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Real Estate Appraiser Examining Board

ARC 9558B

Rule Summary Increases the annual registration fee for a certified appraiser from \$25 to \$40 effective January 1, 2012. The Real Estate Appraiser Examining Board collects and transmits the fee to the Federal Financial Institution Examination Council.

Fiscal Impact No fiscal impact. Without rule implementation, the Board will be required to compensate for the increase in the federal registry fee (approximately \$16,500) within the existing budget.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Soil Conservation Division – Department of Agriculture and Land Stewardship

ARC 9575B

Rule Summary Updates coal mining references to the applicable Code of Federal Regulations.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Commission on Volunteer Service

ARC 9574B

Rule Summary Clarifies and updates procedures and information for the certification of youth mentoring programs to ensure that applications for certification are considered in a consistent manner.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Workers' Compensation Division – Department of Workforce Development

ARC 9586B

Rule Summary Updates references to payroll tax withholdings for purposes of determining weekly Workers' Compensation payments.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)
