

Administrative Rules – Fiscal Impact Summaries

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Economic Development Authority

ARC 9668B

Rule Summary Conforms the federally-funded Neighborhood Stabilization Program (NSP) to changes in the Federal Regulations regarding funding eligibility. In the third allocation of funding, provided through the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, the State of Iowa will receive \$5,000,000 to put foreclosed or abandoned residential properties back into productive use. The change redefines eligible applicants, modifies the application review process, and adjusts the criteria for selection.

Fiscal Impact The State of Iowa will receive \$5,000,000 in federal funds. Of this amount, \$500,000 will be spent on administrative costs. The Department of Economic Development (DED) will use \$200,000 for program administration, with the remaining \$300,000 going to local grant recipients for administration.

Jobs Impact This rule may have a positive impact on jobs dependent on what information is compared. The program's primary activities of property acquisitions, rehabilitation, demolition, and redevelopment will likely lead to increased activity in the real estate, construction, development, suppliers, skilled trades, and finance/insurance fields. Based on previous NSP funding, the DED estimates 60-70 residential units will be impacted by the Program. The DED estimates the number of jobs created based on previous projects, and tries to account for companies or individuals doing work on multiple projects. The rules will only impact individuals or companies that choose to participate in redevelopment projects associated with the Program.

Previous federal funding was considered one-time and these additional funds were not expected. Comparing the new funds to the previously received funds is a decrease in funding and therefore could result in a decrease in jobs. If the funding is compared to the previous thought of nonreceipt, the jobs could be considered new jobs. In either scenario, the jobs created by these funds are temporary. From previous calculations used by the DED, 3.25 jobs for each residential unit could exist, with a total of 195-227 jobs based on this the \$4,500,000 available for this additional funds.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Board of Educational Examiners

ARC 9659B

Rule Summary Authorizes the Executive Director of the Board of Educational Examiners to deny an application for a Class B license if the applicant is currently under investigation by the Board and probable cause has been found.

Fiscal Impact No fiscal impact.

ARC 9661B

Rule Summary Permits a one-year teacher exchange license to be issued to individuals that submit verification of a valid and current out-of-state license or an expired out-of-state license. The exchange license cannot be converted or extended until a valid out-of-state license is presented.

Fiscal Impact No fiscal impact.

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ARC 9662B

Rule Summary Creates a new path for teachers holding a physics endorsement to add a mathematics endorsement by completing 17 semester hours in math.

Fiscal Impact No fiscal impact.

ARC 9663B

Rule Summary Creates a new path for a teacher holding an endorsement in mathematics or chemistry to obtain a physics endorsement by completing 24 semester hours in physics or 30 semester hours in the broader area of science to include 15 semester hours of physics.

Fiscal Impact No fiscal impact.

ARC 9660B

Rule Summary Establishes a process for individuals with experience in a foreign language, math, chemistry, physics, biology, or music to obtain a nonrenewable three-year license to teach in that area. Individuals must have a baccalaureate degree and meet a minimum grade point average of 2.5 on a 4.0 scale. They must have at least five years of experience in the content area and meet the subject matter course work requirements for the secondary teaching endorsement of science, math, music, or foreign language (or be a native speaker of a foreign language). The applicant must also have verification from a school district administrator that wishes to hire the individual. The administrator must verify that a diligent search was conducted to hire a fully licensed teacher.

During the term of the license, the individual must complete training in required areas and must be assigned a mentor with at least four years of teaching experience in a related subject area.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Ethics and Campaign Disclosure Board

ARC 9679B

Rule Summary Notifies the public that Executive Branch lobbyist registration statements and lobbyist client reports are filed with the General Assembly and will be available on the website of the Ethics and Campaign Disclosure Board.

Fiscal Impact No fiscal impact.

ARC 9680B

Rule Summary Requires that Executive Branch lobbyist registration statements be electronically filed with the Chief Clerk of the House of Representatives or the Secretary of the Senate on or before the day the lobbying activity begins.

Fiscal Impact No fiscal impact.

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ARC 9681B

Rule Summary Requires the Executive Branch lobbyist clients to file reports electronically with the General Assembly.

Fiscal Impact No fiscal impact.

ARC 9682B

Rule Summary Clarifies that Executive Branch lobbyist client reports will be available on the Board's website for the same length of time that the reports are on the website of the General Assembly.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

Iowa Finance Authority

ARC 9691B

Rule Summary Deletes the requirement that temporary jobs be included as part of mandatory I-JOBS reporting.

Fiscal Impact No fiscal impact.

ARC 9692B and 9690B

Rule Summary Implements the Community Housing and Services for Persons with Disabilities Revolving Loan Program for Medicaid waiver-eligible individuals with behaviors that provide barriers to accessing traditional rental and supportive service opportunities.

Fiscal Impact The Loan Program was funded in HF 649 (Health and Human Services Appropriations Act) from one-time FY 2010 remaining funds from decategorization projects. The estimated amount of funds available is between \$2.8 and \$3.0 million.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Board of Pharmacy

ARC 9671B

Rule Summary The proposed rules relate to a pharmacy practice as follows:

- Clarifies the required elements of a valid prescription.
- Specifies the requirements for a written prescription, an oral prescription, a prescription transmitted to a pharmacy via fax, and for a prescription that is electronically prepared, signed, and transmitted to the pharmacy.
- Delineates additional requirements for prescriptions that are electronically prepared but subsequently printed or transmitted to the pharmacy via fax.
- Adds the definitions of electronic transmission, facsimile (fax) transmission, electronically prepared prescription, and electronic prescription. Amends the definition of electronic signature.
- Updates the requirements for authorization for electronic prescribing of controlled substances, as established by the federal Drug Enforcement Administration (DEA).
- Identifies record keeping requirements for electronically prepared prescriptions, electronic prescriptions, and facsimile transmitted prescriptions.

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- Clarifies the requirements for identification of the prescriber's agent that completes the transmission of a prescription to a pharmacy.

Fiscal Impact No fiscal impact to the State. There may be costs to pharmacies and prescribers associated with implementing and utilizing electronic prescribing and electronic records but the amount cannot be determined. The Board of Pharmacy anticipates savings to these persons or entities due to reduced physical storage needs and possible reductions in liability insurance costs.

STAFF CONTACT: Deborah Thompson (Ext. 16764)

Department of Public Safety

ARC 9652B

Rule Summary Adds alternative paths to attaining eligibility to test for electrician journeyman licensure. Adds language regarding oversight of apprentices and unclassified persons.

Fiscal Impact No fiscal impact.

ARC 9678B

Rule Summary Establishes procedures for the Statewide Interoperable Communications System Board, including procedures for meetings, election of board officers, awarding of grants, entering contracts, and selection of the Statewide Interoperability Coordinator (SWIC).

Fiscal Impact The Board is under the joint purview of the Departments of Public Safety and Transportation for administrative purposes. The Board is currently funded from the federal 2009 Interoperability Emergency Communications Grant Program (IECGP) that will end in September of 2011. The Board intends to use funding from the 2011 IECGP for the position. The Board has not indicated that it will seek State General Funds for the SWIC.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Department of Revenue

ARC 9675B

Rule Summary Combines existing communication and telecommunication taxable services rules in a single location. Adds clarifying language relating to compliance with the Streamlined Sales Tax Governing Board Agreement. Enables the Department of Revenue to participate in the multiple states and businesses Streamlines Sales Tax Governing Board.

Fiscal Impact No fiscal impact. Small businesses may incur ease of administrative rule review and interpretation.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

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Department of Human Services

	ARC 9646B
Rule Summary	Sets a variety of policies for the Civil Commitment Unit for Sexual Offenders (CCUSO) that is located on the campus of the Cherokee Mental Health Institute. Adds policies relating to visitations, grievances, photographing and recording of individuals committed to the facility, release of information, communications with individuals committed to the facility, use of the buildings and grounds, gifts and bequests to the facility, and recovery of the cost of an individual's care from the individual or a responsible party.
Fiscal Impact	No fiscal impact.
	ARC 9648B and 9647B
Rule Summary	Implements changes to eligibility regarding income, gender, and age, to Medicaid eligibility under the Iowa Family Planning Network (IFPN).
Fiscal Impact	This change is estimated to cost \$329,000 in FY 2012 and \$931,000 in FY 2013, with the FY 2013 costs being offset to \$0 due to expected fewer pregnancies and related medical costs by those eligible for the IFPN. The State receives a 90.0% federal match to fund these services. This change was required by HF 2526 (FY 2011 Health and Human Services Appropriations Act) and funding was provided in HF 649 (FY 2012 Health and Human Services Appropriations Act).
	ARC 9649B
Rule Summary	Adds Licensed Mental Health Counselors and Certified Alcohol and Drug Counselors to the Medicaid Behavioral Health Services Program.
Fiscal Impact	Minimal fiscal impact.
	ARC 9650B
Rule Summary	Updates rules for the Medicaid Home and Community-Based Services (HCBS) Intellectual Disability Waiver to implement Legislative directives and corrective actions from the Centers for Medicare and Medicaid Services (CMS).
Fiscal Impact	This change is estimated to cost \$761,000 in FY 2012 and \$1.1 million in FY 2013 to implement a statewide Intellectual Disabilities waiting list. This change was required by the CMS. No funding has been specifically provided for this change, but the cost will be included by the Medicaid forecasting group when projecting Medicaid costs.
	ARC 9687B
Rule Summary	Requires volunteers with specific responsibilities at emergency juvenile shelters and juvenile detention facilities to have record background checks. Currently, record checks are required for persons employed or residing in these facilities. Removes the prohibition of sharing record check information with applicants or employees.
Fiscal Impact	Minimal impact to the State. The Department of Human Services is responsible for evaluations of the record checks but the workload is expected to increase only slightly. There will be a fiscal impact for the specified facilities, depending on the number of volunteers, since they are responsible for the costs of background checks. The cost of record checks is approximately \$15 depending on the method that the facility chooses.

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ARC 9651B

- Rule Summary** The following changes are made to the Child Care Assistance (CCA) Program, the Family Investment Program (FIP), and the PROMISE JOBS Program as they relate to eligibility for the CCA Program:
- Clarifies income projection when assessing eligibility for the CCA Program. Adds several personal revenue sources to income that is considered in determining eligibility. Exempts emergency and major disaster assistance from income calculations.
 - Clarifies that for two-parent homes, assistance will be approved only for the coinciding hours of parent participation in any approved activity (employment, training, or job search).
 - Clarifies that assistance will be paid for actual travel time between the location of the child care and the training facility or place of employment.
 - Prohibits payment of assistance for education in a field if the participant will not be able to be employed because of known criminal convictions or founded child or dependent adult abuse.
 - Adds a definition for on-line training and clarifies that on-line training is not an allowed eligibility category when it is completed in the client's home and there are no specified times for attendance.
 - Clarifies that in order to qualify for assistance based on medical incapacity, a parent must already have been determined eligible for assistance based on either the employment or training need for service.
 - Clarifies that a job search is limited to 30 consecutive days.
 - Exempts the FIP families that need child care for employment from the 28-hour weekly employment requirement.
 - Clarifies that only general (nonfinancial) eligibility requirements are reviewed for PROMISE JOBS families and families receiving assistance for protective needs.
 - Clarifies that a review form is not required for PROMISE JOBS participants, protective cases, and families receiving assistance during a 30-day job search.
 - Prohibits the DHS from paying for no more than the number of units for child care authorized on the notice of decision regarding the family's eligibility for the CCA Program.
 - Permits the DHS to deny or cancel a provider agreement when a provider does not meet the criteria to be an eligible provider.

Fiscal Impact Minimal fiscal impact. There may be minimal fiscal impact for the change that limits the need for services due to medical incapacity however it is expected to be minimal since there are few cases like this on an annual basis. All other changes are for clarification of existing rules and procedures and are not expected to have a fiscal impact.

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

Accountancy Examining Board

ARC 9676B

Rule Summary Changes the definition of "attest" for purposes of investment advisors and data centers to require that certain service audits continue to be treated as "attest services" in Iowa, due to changes by the national Auditing Standards Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

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Department of Agriculture and Land Stewardship

ARC 9670B

Rule Summary Updates rules related to inspection of commercial animal breeders that have federal licenses.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Banking Division – Department of Commerce

ARC 9688B

Rule Summary Requires independent real estate closing companies to be licensed as a closing agent. Requires a closing agent to submit to background checks and post a bond to be licensed.

Fiscal Impact No additional cost to the Banking Division. Those seeking licensure as a closing agent may incur additional costs as a part of their licensure.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

City Development Board

ARC 9664B

Rule Summary Rescind the rules adopted by the City Development adopting Smart Planning Principles.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Department of Education

ARC 9686B

Rule Summary Permits the Department of Education to approve out-of-state providers to offer a course for drinking drivers at correctional institutions and in place of the course each community college is required to offer.

Fiscal Impact No significant fiscal impact.

ARC 9684B

Rule Summary Requires school districts to provide transportation to and from the postsecondary institution for students participating in concurrent enrollment under the Senior Year Plus Program. Senate File 470 (Duties and Operations of Community Colleges Act), struck a requirement that parents of the student provide the transportation.

Fiscal Impact No fiscal impact to the State. School districts receive weighted funding for concurrently enrolled students and are expected to use these funds to provide transportation.

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ARC 9685B

Rule Summary Specifies changes to the accreditation requirements for community colleges. Clarifies instructor teaching load as required by SF 470 (Duties and Operations of Community Colleges Act) to specify that a full-time load is 15 credit hours, not to exceed 16 within a semester. Permits additional hours if the teacher and college administration mutually agree and the total workload does not exceed 22 credit hours per semester. The Department of Education had been previously required by the Legislature to convene a working group to discuss workload issues. The requirements in SF 470 reflected the recommendations of that working group's report (http://www.legis.iowa.gov/DOCS/LSA/SC_MaterialsDist/2011/SDRKM011.PDF).

The remainder of the changes result from the new accreditation process established by the Higher Learning Commission, including requirements for strategic planning, the schedule for comprehensive on-site evaluations, and the term of accreditation.

Fiscal Impact No fiscal impact.

ARC 9683B

Rule Summary Increases fees related to the General Educational Development (GED) diploma by \$5.00. Fees collected are used to defray the Department of Education's expenses related to the GED Program. Changes the minimum score required to reflect changes to the scoring process made by the GED Testing Service.

Fiscal Impact The Department of Education retains the fees. With this increase, the additional revenue is expected to be less than \$100,000 annually.

STAFF CONTACT: Robin Madison (Ext. 15270)

Natural Resource Commission

ARC 9658B

Rule Summary Expands the current five-mile-per-hour zone on the Mississippi River to 550 feet downstream from the current southern-most marker buoy near Harpers Ferry.

Fiscal Impact No fiscal impact.

ARC 9657B

Rule Summary Establishes the regulations for a wildlife refuge or sanctuary for the purpose of preserving the biological balance. Reclassifies some existing refuges for the purposes of improving public use and safety and reduce the time required to post refuges each fall.

Fiscal Impact No fiscal impact.

Filed Emergency ARC 9674B

Rule Summary Adds a mourning dove hunting season and sets the season dates, bag and possession limits, shooting hours, and areas open for hunting.

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Fiscal Impact The fiscal impact in terms of generating new revenue to the Fish and Game Protection Fund will be minimal as most mourning dove hunters currently purchase a Migratory Bird License and pay the Habitat Fee. However, the Department of Natural Resources (DNR) estimates there will be 15,000 to 20,000 hunters based on the number of hunters in surrounding states. The average number of days for mourning dove hunting is 3.3 days and the National Hunting and Fishing Survey in 2006 stated that Iowa hunters spend an average of \$104 per day hunting. If there are 15,000 hunters that hunt for 3.3 days and spend \$104 per day, the economic impact is \$5.4 million. If there are 20,000 hunters the economic impact would be \$6.9 million, equating to \$345 per hunter.

Jobs Impact The same survey indicates that a possible 90 additional jobs would be created with these additional hunters. This is derived from the existing data that in Iowa upland bird hunters expenditures support 1,800 jobs in Iowa for the 1.3 million days of upland hunting or one job is supported for every 733 days of hunting. Using this estimate, if there are 66,000 days of dove hunting in Iowa (maximum range of 20,000 hunters and 3.3 days of hunting), this would generate 90 additional jobs in Iowa.

Rule Summary Updates rules for hunting wild turkeys as follows:

ARC 9656B

- Updates the spring season hunting dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.
- Lengthens the youth season from three to nine days and changes the starting date for the regular turkey season from the Monday closest to April 13th to the Monday closest to April 15th. This provides more time for youth hunters to hunt during the youth season and moves the regular turkey season back an average of three days. Refunds the cost of the preference point for a nonresident that was unsuccessful in the draw if the hunter buys a license that was left over after the drawing in a different zone or season.

Fiscal Impact No fiscal impact.

Rule Summary Updates rules for hunting rabbits and squirrels and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Closes the jackrabbit season Statewide.

ARC 9655B

Fiscal Impact No fiscal impact.

Rule Summary Updates the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearing animals. Changes include:

ARC 9654B

- Changes the closing date for beaver hunting from April 1 to April 15.
- Increases the bobcat quota from 250 to 350.
- Increases the river otter quota from 500 to 650.
- Increases the river otter seasonal bag limit from two to three.
- Changes the grace period for taking a bobcat or river otter from 48 hours to a period that ends at midnight of the day after the quota fills and the season is announced as being closed.

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- Increases the amount of time allowed to obtain a Convention on the International Trade of Endangered Species (CITES) tag for a bobcat or river otter from 48 hours to seven days. Retains the requirement that a bobcat or river otter be reported in 24 hours of capture to maintain an accurate count.
- Requires the trapper to deliver the skin and carcass when retrieving the CITES tag to obtain biological samples. An exception is made if the bobcat or river otter is being delivered to a taxidermist to be mounted.

Fiscal Impact No fiscal impact.

Rule Summary Permits the taking of groundhogs during the entire year (continuous open season).

ARC 9653B

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Professional Licensure Division – Department of Public Health

Rule Summary Board of Psychology:

ARC 9673B

- Clarifies the requirements for supervisors.
- Clarifies the requirements for supervised professional experience to allow applicants that were matriculated in a doctoral program of psychology, as of January 12, 2005, to be considered for licensure if the Board determines that the doctoral program is equivalent to programs meeting specified criteria.
- Removes a title designation that is duplicative of the Health Service Training Program requirements.
- Removes the requirement of supervision of unlicensed persons in the State of Iowa that are licensed in other states.
- Clarifies requirements for the Organized Health Service Training Program and revises the total number of hours to be consistent with the Association of Psychology Postdoctoral and Internship Centers.
- Clarifies that the Board accepts the passing score established by the Association of State and Provincial Psychology Boards (ASPPB) for the licensure examination.
- Removes the requirement that the Board send a renewal notice by regular mail to licensees.
- Removes redundant language relating to the requirements for mental, physical, or clinical competency examinations.

Fiscal Impact Minimal fiscal impact. Some administrative savings will occur due to a reduction of staff time, postage, printing, and paper by eliminating the requirement to send renewal notices. The Board retains fees charged to licensees to fund its operations.

Rule Summary Board of Physician Assistants: Removes the requirements for mailing renewal notices to licensees.

ARC 9665B

Fiscal Impact Minimal fiscal impact. Some administrative savings will occur due to a reduction of staff time, postage, printing, and paper. The Board retains fees charged to licensees to fund its operations.

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ARC 9666B

Rule Summary Board of Physician Assistants: Clarifies that conviction of a crime includes when the judgment of conviction of sentence was deferred.

Fiscal Impact No fiscal impact.

ARC 9677B

Rule Summary Board of Athletic Training: Removes the requirement for mailing renewal notices to licensees. Clarifies that conviction of a crime includes when the judgment of conviction or sentence was deferred.

Fiscal Impact Minimal fiscal impact. Some administrative savings will occur due to a reduction of staff time, postage, printing, and paper relating to the requirement to send renewal notices. The Board retains fees charged to licensees to fund its operations.

STAFF CONTACT: Deborah Thompson (Ext. 16764)

Department of Public Health

ARC 9645B

Rule Summary Requires health care profession students that volunteer at the entities already protected under the Volunteer Health Care Provider Program (VHCPP) to be covered by that Program. Technical changes were made to Noticed Rule ARC 9536B to correct an error and to clarify the entities and the positions limited in the services they provide under the VHCPP protection.

Fiscal Impact Minimal fiscal impact. Cost increases may occur if claims involving the Attorney General's Office increase. Department of Public Health staff workload may increase due to increased submission of documents relating to the additional health care providers.

STAFF CONTACT: Deborah Thompson (Ext. 16764)

Real Estate Appraiser Examining Board

ARC 9667B

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. In some circumstances the fee increase may be double (\$30) when the registration is biennial. The Real Estate Appraiser Examining Board pays the federal registry fee on an annual basis.

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: Sue Lerdal (Ext. 18223)

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Department of Veterans Affairs

ARC 9689B

Rule Summary Iowa Veterans Home: Permits Gold Star parents to be eligible for admission to the Iowa Veterans Home if the parent has lost at least one child in active military service. Clarifies the support billing process and the resident financial obligations at the Home.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)
