



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

May 10, 2010

Section 17A.4(3) Iowa Code Supplement 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 http://staffweb.legis.state.ia.us/lfb/docs/Admin_Rules/arfiscal_notes.htm

Community Action Agencies Division – Department of Human Rights

ARC 8637B

Rule Summary Transfers administration of the Family Development and Self-Sufficiency Program (FaDSS) from the Department of Human Services (DHS) to the Department of Human Rights. The Department of Human Rights currently administers the Program through a Memorandum of Agreement with the DHS. Establishes Council membership and duties, provisions for the grant proposal process and the awarding of grants, grant contract provisions, criteria and conditions for at-risk families, referral of families, grantee responsibilities, and program evaluation.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Department of Education

ARC 8646B

Rule Summary Removes certain community college accreditation references. Aligns rules with certain statutory changes made to staff licensure and the new senior year plus programs.

Fiscal Impact No fiscal impact.

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ARC 8645B

Rule Summary Eliminates all references to a State Advisory Council for Adult Education. The Council was originally required by federal law but later rescinded. Reflects current practice.

Fiscal Impact No fiscal impact.

ARC 8644B

Rule Summary Updates certain community college accreditation rules to provide greater clarity regarding the accreditation process.

Fiscal Impact No fiscal impact.

ARC 8641B

Rule Summary Includes the following changes relating to the Vocational Rehabilitation Services Division:

- Adds to the list of considerations when purchasing items for a client the determination of whether other parties may be responsible for providing or contributing to the cost of the item.
- Specifies that the Vocational Rehabilitation Services Division will accept a written letter, facsimile, or email as the filing of an appeal by an applicant or client.
- Makes changes to the Iowa Self-Employment Program, also known as the Entrepreneurs with Disabilities Program. The changes reduce the number of documents scored by evaluators and provide for consistency with federal law regarding the types of business ventures that cannot be funded by the Program.

Fiscal Impact No fiscal impact

STAFF CONTACT: Robin Madison (Ext. 15270)

Environmental Protection Commission

ARC 8678B

Rule Summary Adopts federal electronic reporting requirements known as Cross Media Electronic Reporting Rule (CROMERR). The federal Environmental Protection Agency (EPA) does not require electronic data submission from the Department of Natural Resources (DNR), but is required to approve any modifications to programs that have electronic reporting.

Fiscal Impact The DNR estimates the cost to implement the requirement is \$200,000 and has applied for a federal grant to pay for the additional expense.

ARC 8677B

Rule Summary Eliminates previous Rule ARC 8397B on Water Quality Standards due to consultation with stakeholder groups. It is expected that a new rule will be drafted.

Fiscal Impact No fiscal impact.

ARC 8679B

Rule Summary Promotes convenient cathode ray tube (CRT) recycling for consumers without compromising protection of the environment and includes:

- Removes all requirements for holding a short-term collection event.
- Replaces the permit requirement with a registration requirement for facilities that collect CRTs.
- Provides collection and storage requirements for registered collection points.
- Increases the length of the CRT recycling permit from three to five years.
- Removes the requirement for DNR-approved training of staff that work at CRT recycling facilities

Fiscal Impact Minimal fiscal impact.

ARC 8676B

Rule Summary Amends underground storage tank (UST) rules:

- Revises the risk-based evaluation process for plastic water lines.
- Allows consideration of a “no action required” classification if the contaminant plumes are stable at low risk leaking underground storage tank (LUST) sites.
- Gives the DNR discretion to require confirmation sampling prior to the acceptance of a site classified as “no action required” or to waive exit monitoring criteria when a groundwater professional can justify a “no action required” site.
- Updates rules regarding soil sampling to reflect the current practice.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Natural Resource Commission

ARC 8680B

Rule Summary Clarifies the types of projects that are eligible to be cost shared, due dates of applications, evaluation of the applications, and the scoring for the applications for the Wildlife Habitat Promotion with Local Entities Program.

Fiscal Impact No fiscal impact.

ARC 8681B

Rule Summary Removes a requirement for a controlled hunting program on Lake Odessa in Louisa County.

Fiscal Impact No fiscal impact.

ARC 8682B

Rule Summary Adjusts the season dates for hunting waterfowl and coot to comply with federal regulations and to ensure the seasons are open on weekends.

Fiscal Impact No fiscal impact.

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ARC 8683B

Rule Summary Makes the wording consistent for the regulation on shooting from a roadway for residents and nonresidents for nonresident deer hunting rules. Explains that a person that was unsuccessful in a deer license drawing that purchased a preference point will receive a refund for the cost of the preference point.

Fiscal Impact No fiscal impact.

ARC 8684B

Rule Summary Changes antlerless-only deer license quotas for counties. The antlerless-only quotas were increased by 1,400 in three counties and reduced by 13,800 in 27 counties. The county antlerless quotas are expected to be adjusted further after deer population surveys are completed in April. Clarifies that landowner antlerless licenses will only be issued in those counties where paid licenses are available in the November antlerless season.

Fiscal Impact Minimal fiscal impact.

ARC 8685B

Rule Summary Adds the following counties to the open area listed for taking bobcats: Adair, Cass, Guthrie, Keokuk, Louisa, Madison, Mahaska, Marion, Warren, and Washington. Increases the quota from 200 to 250.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Inspections and Appeals

ARC 8697B and 8696B

Rule Summary Requires that all morel mushrooms to be inspected by an approved mushroom identification expert prior to sale. Clarifies the requirements for a morel mushroom identification expert only. Allows individuals that have successfully completed a three-hour morel mushroom identification expert course to procure or sell wild morel mushrooms to a food establishment.

Fiscal Impact No fiscal impact.

ARC 8657B

Rule Summary Creates consistent prone restraint standards in psychiatric medical institutions for children (PMICs) between the Department of Inspections and Appeals and Department of Education.

Fiscal Impact No fiscal impact.

ARC 8656B

Rule Summary Rescinds previous State debt recovery rules and replaces them with a Public Assistance Debt Recovery Unit within the Department. Rules have been updated to conform with current practices, law, and regulations.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Labor Services Division – Department of Workforce Development

ARC 8694B

Rule Summary Makes editorial and technical changes pertaining to the Boiler and Pressure Vessel Board. Requires a petitioner to use the appropriate form to petition for Board action. Changes the language concerning public comment during Board meetings. Clarifies procedures for informal review of inspection reports. Requires all fluids be removed from a boiler prior to inspection. Clarifies procedures for issuance of a subpoena during a contested case.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Board of Pharmacy

ARC 8673B

Rule Summary Establishes a registration program for pharmacy support persons including:

- Identifies individuals required to register or exempt from registration as a pharmacy support person, timeliness of registration, the information to be provided with an application for registration, registration and renewal fees, and penalties for late registration or renewal.
- Identifies the tasks that can and cannot be performed by a pharmacy support person under the direct supervision of a pharmacist and places the ultimate responsibility for tasks performed by a pharmacy support person with the supervising pharmacist.
- Identifies the basis for denial of an application for registration.
- Identifies the grounds for disciplinary action against the registration of a pharmacy support person.
- Makes technical changes to terminology to maintain consistency when referring to pharmacy support persons.
- Authorizes the pharmacist in charge of a pharmacy to identify tasks that a pharmacy support person may perform in the temporary absence of the supervising pharmacist subject to the final approval of the supervising pharmacist.
- Establishes requirements for the utilization of pharmacy support persons in general and hospital pharmacy practice and in nuclear pharmacy practice.
- Identifies the registration of pharmacy support persons as a responsibility of the Board of Pharmacy.
- Identifies the types and format of program records that will be maintained, including designation of confidential and public records.
- Identifies registrations issued to pharmacy support persons as subject to suspension or revocation due to nonpayment of certain debts including nonpayment of child support, debts owed to the State of Iowa, and nonpayment of student loan obligations.
- Delineates language regarding the delegation of technical functions to pharmacy technicians.

In response to public comments, the Board of Pharmacy made the following changes to Notice of Intended Action Rule ARC 8380B:

- Eliminates the term “present,” and adds “and available,” to clarify the intent and extent of the required pharmacist supervision of a pharmacy technician’s activities.
- Replaces the phrase “a hospital nursing unit” with “a hospital patient care unit” to include an area within the hospital that may not be supervised by nursing staff.
- Changes the effective date of the rules regarding the registration of pharmacy support persons to June 1, 2010.
- Provides for clarification that the intent of pharmacist or pharmacy technician supervision of facility maintenance personnel within the pharmacy department is to ensure medication security and patient privacy.
- Adds “administrative support” persons functioning outside the pharmacy department to those exempt from registration as pharmacy support persons.

Fiscal Impact

No fiscal impact to the State. Minimal impact to Board revenues. This is a new program that will generate fees from registration (\$30.00 for initial registration and renewal). The Board anticipates that persons currently registered under the Pharmacy Technician Program will likely become registered under the Pharmacy Support Person Program due to its lower fees. This will offset most of the new revenue from the new Program in lieu of generating additional revenue. The Board retains fees charged for its Programs to conduct the activities.

Rule Summary

ARC 8672B

Defines continuing education for the practice of pharmacy. Corrects the name of the Accreditation Council on Pharmacy Education (ACPE) from the American Council on Pharmaceutical Education. Identifies additional programs that qualify for the drug therapy course requirements. Clarifies the information required on the program attendance certificate and on reports to the Board. Clarifies the process for exemption from continuing education requirements. Identifies the types of non-ACPE provider programs that will be accepted for no more than 50.0% of the total continuing education credits required during a renewal period.

In response to public comments, the Notice of Intended Action Rule ARC 8412B has been amended to the following:

- Changes “program” to “activity” (including other root derivations of the term).
- Changes “attendance certificate” to “statement of credit.”
- Changes “approved” to “accredited.”
- Changes “program identification number” is amended to “universal activity number.”
- Changes the term “certificates” to “statements.”

Fiscal Impact

No fiscal impact.

Rule Summary

ARC 8671B

Prohibits animals inside a licensed pharmacy, with delineated exceptions.

Fiscal Impact

No fiscal impact.

ARC 8667B

Rule Summary Clarifies the form of identification to be reviewed by a pharmacist prior to dispensing products containing ephedrine, pseudoephedrine, or phenylpropanolamine without a prescription. Requires purchase records to be recorded in the real-time electronic repository established by the Office of Drug Control Policy. Establishes the format and content of an alternate record to be maintained if the real-time electronic repository is temporarily unavailable for use. Requires a notice to purchasers warning of criminal penalties if a purchaser is found in violation of laws relating to the purchase of ephedrine, pseudoephedrine, or phenylpropanolamine.

Fiscal Impact No fiscal impact.

ARC 8670B

Rule Summary Rewrites rules related to correctional pharmacy practice. A pharmacy licensed as a correctional pharmacy is issued a limited use pharmacy license subject to the new requirements. Defines terms and establishes the purpose and scope of correctional pharmacy practice. Reference library requirements are identified and the responsibilities of the pharmacist in charge are enumerated. Security requirements are established, including requirements for training and utilization of pharmacy technicians or pharmacy support persons, identification of individuals authorized to access the pharmacy in the absence of the pharmacist, and identification of individuals authorized to access drug supplies and to administer patient drugs. Establishes requirements for prescription drug orders, administration records, unit dose and med-pak dispensing, and dispensing for patient self-administration, including requirements for labeling of drug packaging. Permits an emergency/first dose drug supply to be maintained for the care of facility patients and establishes the requirements for administration of a drug from the emergency supply. Requires policies and procedures relating to all aspects of the correctional pharmacy be developed and implemented by the pharmacist in charge.

Fiscal Impact No fiscal impact. The Board retains fees charged to licensees to conduct their activities. The proposed changes will not directly impact the Department of Corrections (DOC). The DOC has not yet created a centralized pharmacy.

ARC 8669B

Rule Summary Requires drug wholesalers to complete an annual inventory of all controlled substances in stock and to maintain a record of that inventory for a period of two years from the date of the inventory.

Fiscal Impact No fiscal impact.

ARC 8666B

Rule Summary Establishes a real-time electronic repository to monitor and control the sale of Schedule V products containing any detectible amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine that are not listed in another controlled substance schedule. Identifies the responsibilities of the parties involved. Requires a pharmacy dispensing such products to electronically report all sales to a central repository under the control and administration of the Office of Drug Control Policy.

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Fiscal Impact No fiscal impact. The Governor's Office of Drug Control Policy received federal funding for the electronic monitoring system.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Public Health

Rule Summary **ARC 8658B**
Updates the childhood vaccination schedule, specifically affecting the polio vaccine, based on a new recommendation from the Centers for Disease Control (CDC). Authorizes the use of the immunization registry to allow the Department of Public Health (DPH) to track inventory or utilization of pharmaceutical agents to prepare for or respond to an emergency event.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 8703B**
Plumbing and Mechanical Systems Board: Provides for the minimum standards for plumbing materials and plumbing methods in buildings and on premises in Iowa.

Fiscal Impact No fiscal impact. The Plumbing and Mechanical Systems Board retains fees paid by licensees to fund the operations and activities of the Board.

Rule Summary **ARC 8659B**
Clarifies that direct supervision for fluoroscopic procedures is to be consistent with respective rules within the Iowa Board of Nursing.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 8660B**
Permits a candidate for Emergency Medical Services (EMS) certification to complete certification testing while being reviewed for certification. Changes the practical testing requirements. Changes the extension process for renewal, including the addition of a \$50 extension fee and incorporates the ability to levy civil penalties.

Fiscal Impact No fiscal impact. The EMS Provider Education, Training, and Certification Program deposits fees in the Emergency Medical Services Fund to pay for specific activities.

Rule Summary **ARC 8661B**
Changes the standards for the authorization of Emergency Medical Services. Removes regulations for air medical services. Permits the use of satellite services in other cities. Provides for the assurance to the public of an ambulance response when calling 911. Provides for references to the Iowa EMS Patient Registry Data Dictionary where applicable and incorporates the ability to levy civil penalties.

Fiscal Impact No fiscal impact.

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ARC 8662B

Rule Summary Provides for authorization of and standards for air medical service programs. Current rules address only ground-based services.

Fiscal Impact No fiscal impact.

ARC 8663B

Rule Summary Updates the description of the DPH. Specifies the general organization and method of operations, the administrative subdivisions of the DPH, and the programs implemented by the subdivisions. Provides the mission statement of the DPH and the methods and location where the public may obtain information or make submissions or requests.

Fiscal Impact No fiscal impact.

ARC 8664B

Rule Summary Strikes an outdated statutory reference to the description of the procedure for submission, consideration, and disposition of a petition for rule making. This is a technical change.

Fiscal Impact No fiscal impact.

ARC 8665B

Rule Summary Strikes an outdated statutory reference that provides a description of the form, content, and filing of petitions for declaratory orders, the procedural rights of a person in relation to the petitions, and the disposition of the petitions. This is a technical change.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Human Services

ARC 8640B

Rule Summary Rescinds rules for the Family Investment Program (FIP) Emergency Assistance Program since funding is no longer appropriated or allocated for the Program.

Fiscal Impact No fiscal impact.

ARC 8705B

Rule Summary Changes two policies for the Medicaid eligibility for Employed Persons with Disabilities Program. Clarifies that the premium may not be increased due to an increase in the member's income before the next annual review of the member's eligibility. Requires a member to submit information on a specific form when the member has reported that employment has ceased.

Fiscal Impact No fiscal impact.

ARC 8642B

Rule Summary Implements Medicaid “express lane” eligibility for children. Express lane eligibility is a process that the Medicaid Program relies on a finding made under another program with similar eligibility requirements to determine that a child meets Medicaid eligibility requirements. This change was part of the federal Children’s Health Insurance Program Reauthorization Act of 2009 and required in SF 389 (FY 2010 Health Care Coverage Act).

Fiscal Impact This change is estimated to cost the State General Fund \$26,300 in FY 2010 and \$2.5 million in FY 2011. Funding was provided for FY 2010 in HF 811 (FY 2010 Health and Human Services Appropriations Act) and the commitment for future funding was provided as part of the \$24.8 million appropriation for the period FY 2009 - FY 2011 in HF 2539 (FY 2009 Health Care Reform Act). The amount was changed in HF 2526 (FY 2011 Health and Human Services Appropriations Act) but the funding is available for this expenditure within the revised appropriation amount.

ARC 8643B

Rule Summary Reduces the reimbursement rate for most Medicaid services by either 5.0% or 2.5%.

Fiscal Impact This rule is being implemented due to Executive Order 19 ordering a 10.0% across-the-board budget reduction for FY 2010 General Fund appropriations. The rule is estimated to save the Medicaid Program \$19.5 million in FY 2010. Expires at the end of the FY 2010.

ARC 8648B and 8647B

Rule Summary Increases the reimbursement rate for family planning clinics by 5.0%.

Fiscal Impact This change is estimated to cost \$22,500 in FY 2010 and \$57,300 in FY 2011. This change was required by HF 811 (FY 2010 Health and Human Services Appropriations Act). Funding was provided for this change in the Act.

ARC 8649B

Rule Summary Changes the basis of Medicaid reimbursement for psychiatric medical institutions for children (PMICs) for State fiscal year 2010. The upper payment limit for nonstate-owned facilities is 103.0% of the patient-day weighted statewide average. There is no upper limit for State-owned facilities.

Fiscal Impact This change is estimated to cost \$225,900 in FY 2010 and \$380,100 in FY 2011. Funding was provided for this change from State savings due to funding changes made at the State-owned PMIC at the Mental Health Institute in Independence. This change was made by SF 478 (FY 2010 Standing Appropriations Act).

ARC 8650B

Rule Summary Makes changes to child care regulatory fees and clarifies existing rules related to biting. The following is proposed:

- Implements regulatory fees beginning January 1, 2010, for issuing child care center licenses. Fees will be tiered and based on center capacity.

- Sets fees of \$25.00 to \$35.00 for the Department of Human Services (DHS) to process criminal and child abuse record checks. Currently this is a cost incurred by the DHS. The DHS anticipates that centers will take advantage of the less costly SING system through the Department of Public Safety for \$12.00 - \$15.00 per check. The term SING is commonly used for the State's Single Contact Repository that ties together multiple databases.
- Requires national Federal Bureau of Investigation (FBI) criminal records checks based on fingerprints for all persons subject to record checks due to involvement in child care at a licensed center. A national record check will cost a center \$30.25 per check. This is not currently required of centers.
- Requires centers to have a protocol to handle incidents of biting.
- Requires center volunteers to be at least 16 years old.
- Clarifies a policy on interim permission for a new facility to open without a license and for training requirements for center directors.

In response to public comments, the DHS has made the following changes to the rules as published under Notice of Intended Action ARC 8118B:

- Allowing payments to be submitted by check and adding a provision that payment by a check that is denied for insufficient funds is grounds for revocation or suspension of the license.
- Shortening the period for the payment of licensing fees from 30 State working days after the issuance of the fee notice to 30 calendar days for more specificity.
- Adding clarification of the requirements for a center's policy on biting.
- Adding a requirement that only persons that are subject to a record check that have been cleared for involvement with child care may be directly responsible for child care or have access to a child when a child is alone.
- Clarifying the person subject to a record check by defining "direct responsibility for child" and revising the definition of "unrestricted access."
- Providing center record check exemptions when using professionals delivering professional services that are licensed by the Board of Educational Examiners.
- Allowing centers 30 days after clearance through the State record check process to submit fingerprints for the national record check.
- Allowing centers to request a waiver of the State and national record check procedures for student interns when record checks have been performed by the educational institution.
- Allowing centers to request a waiver of the national record check process for center staff that have had national record checks due to federal regulations student.
- Clarifying that centers must have submitted fingerprints for all staff before the next relicensure after June 1, 2010, but allowing an extra month to obtain fingerprints for centers when a license is renewed on June 1.

Fiscal Impact

Senate File 478 (FY 2010 Standing Appropriations Act) permits the DHS to retain the savings from no longer having to pay for State background checks. The money will be transferred to the Child Care Facility Fund to be used for the inspection of child development homes and licensing activities. The fees for licensure and re-licensure of centers will also be deposited in the Fund. Current estimates anticipate revenue of \$62,950 to the Fund for FY 2010 and cumulative revenue of \$243,350 for FY 2011 as a result of these proposed changes. It is noted that SF 478 included the regulation and inspections of child care development homes. The DHS is working on administrative rules related to this requirement. The Child Care Facility Fund will be impacted by required expenditures related to these activities.

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	ARC 8651B
Rule Summary	Decreases the reimbursement rate for supervised apartment living services provided from January 1, 2010, to June 30, 2010. Clarifies that rates will not be adjusted if a provider adds a new service.
Fiscal Impact	The implementation of a 5.0% rate reduction is estimated to save the General Fund \$23,200 for the final six months of FY 2010. This was due to Executive Order 19 with the FY 2010 across-the-board appropriation reductions.
	ARC 8652B
Rule Summary	Decreases the reimbursement rates for foster group care provided from January 1, 2010, to June 30, 2010.
Fiscal Impact	This results in a reduction of General Fund expenditures of \$750,000 for FY 2010 for foster group care. A reduction of \$99,000 in federal support is also anticipated for a total reduction in expenditures of \$849,000 for the final six months of FY 2010. This change is related to the Governor's across-the-board reduction in October 2009.
	ARC 8653B
Rule Summary	Reduces the reimbursement for foster family care and adoption and guardianship subsidies. Specifically implements the following for the final six months of FY 2010: <ul style="list-style-type: none">• A 5.0% reduction in the basic reimbursement rate for foster family care.• A 5.0% reduction in the clothing allowance payments for children in foster care.• Reduces the limit on reimbursements for attorney fees, court costs, and other related legal expenses from \$750 to \$500.
Fiscal Impact	These changes will result in a reduction of General Fund expenditures of \$1.2 million for FY 2010. A reduction of \$1.2 million of federal support is also estimated for a total reduction in expenditures of \$2.4 million for the final six months of FY 2010. These changes are related to the Governor's across-the-board reduction in October 2009.
	ARC 8654B
Rule Summary	Replaces rules for awarding grants for the operation of child care regional resource and referral (CCR&R) agencies to support child care services. Updates the federal requirements to have contractors compete for contracts using formal competitive bidding requirements. Current contractors have been operating under sole source contracts, a practice that is no longer permitted per the federal Accountable Government Act. The DHS plans to use a request for proposal (RFP) in calendar year 2010 to re-procure these services.
Fiscal Impact	No fiscal impact since these changes affect the process of awarding contracts and do not impact services provided.
	ARC 8655B
Rule Summary	Rescinds rules related to the Family Development and Self-Sufficiency Program. This Program is now operated by the Department of Human Rights.
Fiscal Impact	No fiscal impact.

ARC 8690B

Rule Summary Permits a Physician’s Assistant or an Advanced Registered Nurse Practitioner working under the direction of a physician to certify a prospective care provider’s ability to provide services under the State Supplementary Assistance in-home health related care program, as well as a physician.

Fiscal Impact No fiscal impact.

ARC 8701B

Rule Summary Sunsets the subsidized guardianship program currently administered under a five-year federal waiver demonstration project.

Fiscal Impact The State will lose the federal Title-IV E funding related to this demonstration project. The children that are currently participating in the project will still be enrolled until they are ineligible at age 18. The federal share for these enrollees would have been an estimated \$44,883 for nine participants in FY 2011 and \$24,935 for five participants in FY 2012. The State will be required to supplement the loss in federal funding. The DHS had planned to expand the project utilizing 100.0% State funding in a cost neutral plan, however, limited resources have delayed this possibility for the short term.

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

Accountancy Examining Board

ARC 8691B

Rule Summary Delays the move to annual renewal of licenses from June 30, 2010, to June 30, 2011, due to database changes and continued work on a fee study by the Accountancy Examining Board.

Fiscal Impact By delaying the implementation of annual renewals, the Board is expecting to receive \$308,000 in renewal fees. The change to annual renewals is expected to reduce renewal fees by \$153,000.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Department of Administrative Services

ARC 8692B

Rule Summary Establishes the State Employee Retirement Incentive Program (SERIF) as authorized in Senate File 2062 (FY 2010 Early Retirement Act).

Fiscal Impact Fiscal impact is not yet known. Information provided by the Department of Management has indicated that 2,007 State employees applied for early retirement. Initial savings estimates of \$57.4 million for all funds in FY 2011 were based on 1,000 State employees accepting the retirement package. Additional information will be available when the number of positions refilled is determined.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Department of Agriculture and Land Stewardship

ARC 8704B

Rule Summary Requires manufacturers selling or leasing a nonchemical pest control device to submit efficacy and safety data to the Department of Agriculture and Land Stewardship prior to the sale or lease. This may include submitting specimen devices or samples. The costs for conducting the examination or test will be paid by the manufacturer or their representative.

Fiscal Impact Minimal fiscal impact.

ARC 8636B

Rule Summary Maintains the annual \$40 fee to keep, breed, or transport a greyhound dog for pari-mutuel wagering at a racetrack.

Fiscal Impact No fiscal impact.

ARC 8699B

Rule Summary Updates references to handbooks used for dairy inspections and eliminates a grandfathering provision for a milk truck approaching a dairy farm.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Architectural Examining Board

ARC 8638B

Rule Summary Adopts a new rolling clock for retention of examination scores for the Architecture Registration Examination that is administered by the National Council of Architecture Registration Boards (NCARB). This change is a result of a resolution from the NCARB. Any scores older than five years would be considered invalid. The amendment is effective January, 2011

Fiscal Impact Minimal fiscal impact. The change will affect less than twenty-five applicants per year.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Board of Educational Examiners

ARC 8688B

Rule Summary Provides for extension of the Teacher Intern license under certain parameters.

Fiscal Impact No fiscal impact.

ARC 8686B

Rule Summary Requires applicants for a Class A one-year nonrenewable license to have the signature of their superintendent. This is intended to alert superintendents to faculty that have not completed the required credits for renewal of a standard license.

Fiscal Impact No fiscal impact.

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ARC 8687B
Rule Summary Permits a person that has completed a non-teaching program, such as a school guidance counseling or social work program, to become licensed as a school administrator.

Fiscal Impact No fiscal impact

ARC 8689B
Rule Summary Permits an individual with a Professional Service license to obtain a Class B two-year nonrenewable license and practice in an additional professional service area while completing the necessary course work to obtain the new endorsement.

Fiscal Impact No fiscal impact

STAFF CONTACT: Robin Madison (Ext. 15270)

Board of Nursing

ARC 8675B
Rule Summary Equalizes the requirements for license by examination of foreign educated nurses for both registered nurses and licensed practical nurse. Requires foreign educated nurses applying for license by endorsement to have the Commission on Graduates of Foreign Nursing Schools submit a credentials evaluation prior to being licensed.

Fiscal Impact No fiscal impact. The Board of Nursing retains fees paid by licensees to fund its operations and activities.

ARC 8674B
Rule Summary Eliminates a license reinstatement applicant's requirement to submit the application form and fees prior to the Board's hearing on the reinstatement request. Makes changes to the contested case numbering process.

Fiscal Impact No fiscal impact. The Board retains fees paid by licensees for its operations and activities.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Professional Licensure Division – Department of Public Health

ARC 8706B
Rule Summary All Boards under the Bureau of Professional Licensure: Consolidates multiple locations of the same rules and integrates references to existing Department of Public Health (DPH) administrative rules relating to child support noncompliance, noncompliance of loan repayment, and nonpayment of State debt.

Fiscal Impact No fiscal impact.

ARC 8639B
Rule Summary Board of Speech Pathology and Audiology: Updates requirements for temporary licensure, removes duplicative language and amends language relating to discipline to be consistent with the Iowa Code.

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Fiscal Impact No fiscal impact. Fees are retained by the Board of Speech Pathology and Audiology to cover the costs of operations and activities.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Public Safety

ARC 8695B

Rule Summary Establishes design and construction standards for optional weather safe rooms. The standards apply if a weather safe room is required as part of the construction by another provision of law or is being included in a project voluntarily.

Fiscal Impact No fiscal impact since the provision is optional. For those choosing to build a weather safe room, the cost for construction is typically greater than the usual construction cost.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Board of Regents

ARC 8693B

Rule Summary Clarifies the definition of bicycle to include an electric bicycle that may be pedaled and also propelled by an electric motor of one horsepower or less. Expands the definition of motorcycle and moped to include a motorized bicycle that is not a bicycle or electric bicycle. These expanded definitions affect where these new modes of transportation may be parked and used on the Iowa State University campus.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Department of Revenue

ARC 8702B

Rule Summary Implements the statutory provisions of multiple Senate and House Files enacted during the 2009 Legislative Session relating to computed tax adjustments and tax credits relating to:

- Research tax credits that include compliance with federal changes.
- Repeal of the Assistive Device Credit.
- Historic preservation and cultural tax credits.
- The Endow Iowa Tax Credit for individual income tax.
- Wind energy production tax credits for individual income tax.
- Renewable energy tax credits.
- High Quality Jobs Program.
- A limitation for the agricultural assets transfer tax credit.
- Qualified film expenditure tax credits for individual income tax.
- Film investment tax credits for individual income tax.

Fiscal Impact The changes are estimated to increase State General Fund revenues by \$18.0 million for FY 2010 and \$3.1 million for FY 2011, as reflected in the fiscal notes from the various enacted legislation.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Secretary of State

ARC 8698B

Rule Summary Provides security procedures for general elections where county commissioners are required to or decide to count absentee ballots on the day before the election as now permitted by statute. These changes prescribe the form of the official ballot.

Fiscal Impact No fiscal impact.

STAFF CONTACT: David Reynolds (Ext. 16934)

Soil Conservation Division – Department of Agriculture and Land Stewardship

ARC 8700B

Rule Summary Eliminates administrative rules for three programs that have not been funded or used for several years. These include the Organic Nutrient Management Program, the Levee Repair and Reconstruction Program, and the Soil Practices Loan Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Transportation

ARC 8668B

Rule Summary Adopts the latest edition (October 2009) of the Code of Federal Regulations (CFR) relating to Federal Motor Carrier Safety Regulations to allow the Department of Transportation to cite the latest version of the rules. The changes in the CFR relate to for-hire interstate carriers.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Marcia Tannian (Ext. 17942)
