



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

July 13, 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

Iowa Finance Authority

ARC 8906B

Rule Summary Allows a repayment term of 15 years instead of ten for Livestock Water Quality Facilities loans under the Water Pollution Control Works and Drinking Water Facilities Financing Program.

Fiscal Impact No fiscal impact.

ARC 8908B and 8907B

Rule Summary Waives repayment of the Jumpstart Program loans attributable to Energy Efficiency Assistance loans if the property is later acquired under the Hazard Mitigation Grant Program.

Fiscal Impact Minimal fiscal impact. The Jumpstart Program loans are already forgivable over a five year period. Approximately \$5.0 million has been loaned under the Energy Efficiency Assistance Program.

Table of Contents			
Agency	Page	Agency	Page
Iowa Finance Authority	1	Dept. of Agriculture and Land Stewardship	13
Capital Investment Board	2	State Archaeologist – Board of Regents	13
Department of Economic Development	2	Dental Board	13
Environmental Protection Commission	3	Historical Division – Dept. of Cultural Affairs	14
Natural Resource Commission	4	Department of Inspections and Appeals	14
Board of Medicine	7	Insurance Division – Department of Commerce	15
Department of Public Health	7	Labor Services Div. – Dept. of Workforce Dev.	15
Department of Public Safety	8	Board of Pharmacy	16
Utilities Division – Department of Commerce	8	Prof. Licensure Div. – Dept. of Public Health	18
Department of Human Services	9	Board of Regents	18
Accountancy Examining Board	12	Telecommunications & Tech. Commission	19
		Department of Transportation	20

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

2

ARC 8905B

Rule Summary Reflects the allocation of \$30.9 million from SF 2389 (Infrastructure Appropriations Act) for the non-competitive grants under the I-JOBS Program. Requires the funding be used for targeted disaster relief and rebuilding, flood mitigation, and construction projects.

Fiscal Impact Senate File 2389 requires the \$30.9 million allocation from the Revenue Bonds Capitals II Fund.

ARC 8890B

Rule Summary Implements the Iowa Jobs II Program, the Disaster Prevention Smart Planning Local Grant Program created by SF 2389.

Fiscal Impact Senate File 2389 appropriated \$30.0 million from the Revenue Bonds Capitals II Fund for this purpose.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Capital Investment Board – Department of Revenue

ARC 8875B

Rule Summary Repeals the tax credit for investments in venture capital funds. Reduces the amount of contingent tax credits related to investments in the Iowa Fund of Funds to \$60.0 million.

Fiscal Impact Elimination of the tax credit is not projected to have a fiscal impact.

Lowering the program cap is not projected to have a fiscal impact in the foreseeable future, but does reduce the potential negative fiscal impact of the program by \$40.0 million.

STAFF CONTACT: Jeff Robinson (Ext. 14614)

Department of Economic Development

ARC 8921B and 8922B

Rule Summary Implements a new grant program through the existing Iowa Main Street Program within the Community Development Division of the Department of Economic Development. Establishes criteria for high priority projects eligible for funding. The Main Street Program provides grants to rehabilitate storefronts, improve streetscapes, and to provide revitalization efforts by capitalizing on the assets and character of the historic commercial districts in selected communities. The funding will be provided to projects that have previously applied to the Main Street Program and received partial funding or remained unfunded on the priority list of the Department of Economic Development (DED).

Fiscal Impact This is a new appropriation for FY 2011. Senate File 2389 (Infrastructure Appropriations Act) appropriated \$8,450,000 from the Revenue Bonds Capitals II Fund and provided the Main Street Program with an additional \$5,550,000 as an FY 2010 supplemental appropriation from the Revenue Bonds Capitals Fund, for a total of \$14,000,000.

ARC 8852B

Rule Summary Clarifies eligibility requirements for lease terms and rescinds a self-imposed deadline for expenditures under the Disaster Recovery Business Rental Assistance Program. Allows a business to apply for assistance if it can provide documentation to show that it had a lease in a disaster-damaged space for at least 12 months, even if the lease was a month-to-month lease. Corrects a provision to permit federal funding for eligible businesses in the areas of the State that suffered damage due to the natural disasters in 2008. The change is retroactive to March 20, 2009. Eliminates the Program termination date of April 30, 2010.

Fiscal Impact No fiscal impact. The federal allocation plan for all of the disaster recovery business programs is \$16.0 million.

ARC 8919B and 8920B

Rule Summary Implements a new Small Business Loan Program to promote the creation and retention of jobs in Iowa and to assist businesses to be competitive. Establishes the process for application, receipt, and management of loan funds under this Program. The Save Our Small Businesses Fund and Program were created for purposes of promoting the creation and retention of jobs in the State's economy and to assist businesses to be more competitive by assisting small businesses in obtaining loan financing and improving their ability to expand, retain, and create additional jobs. The Fund will provide low-interest loans to businesses. Small businesses (35 employees and fewer) that are located in Iowa and owned, operated, or actively managed by a resident of Iowa could be eligible for a loan between \$2,500 and \$50,000 under specified conditions.

Fiscal Impact Senate File 2389 appropriated \$5,000,000 to the new Save Our Small Businesses Fund from the School Infrastructure Fund for the Program available due to a balance in the Infrastructure Fund.

ARC 8849B and 8848B

Rule Summary Expands the definition of "Iowa student" to allow Iowa high school graduates attending college outside the State to participate in the Targeted Industries Internship Program.

Fiscal Impact No fiscal impact.

ARC 8851B and 8850B

Rule Summary Implements the Iowa Innovation Council. Describes the purpose of the Council, voting member selection and approval procedures, Council operations, Council deliverables, and the DED administration provisions.

Fiscal Impact No fiscal impact. The Council replaces existing councils.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Environmental Protection Commission

ARC 8843B

Rule Summary Allows the Department of Natural Resources (DNR) to suspend, revoke, or deny the issuance or renewal of licenses of persons that owe the State money.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

4

ARC 8845B

Rule Summary Updates air quality rules for new federal requirements and includes revised National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO₂). These include amendments to the New Source Performance Standards (NSPS) for nonmetallic mineral processing and for coal processing. The new federal standards also include adoption of new National Emission Standards for Hazardous Air Pollutants (NESHAP) affecting chemical manufacturing facilities, paint and allied products manufacturing, prepared feed manufacturing, and stationary reciprocating internal combustion engines that burn diesel fuel. The rules provide the option for a facility with an incident of excess emissions to submit an initial report using email rather than by phone or in person.

Fiscal Impact The DNR will have to establish an ambient air monitoring network for nitrogen dioxide that will cost an estimated \$100,000 to \$500,000 per year. The expenditures for FY 2012 will include the installation of two monitors and personnel costs. Expenditures for FY 2013 and each year after will include personnel costs and operating costs related to the monitors. The DNR is to apply for federal funds for these expenditures.

ARC 8844B

Rule Summary Establishes the Beautification Grant Program that will allocate up to \$200,000 from the Solid Waste Alternatives Program Account in the Groundwater Protection Fund. The Program was created in HF 2525 (FY 2011 Agriculture and Natural Resources Appropriations Act).

Fiscal Impact Annual allocation of up to \$200,000 from the Solid Waste Alternatives Program. The Program will end on June 30, 2014.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Natural Resource Commission

ARC 8885B

Rule Summary Clarifies the types of projects that are eligible for cost sharing with Wildlife Habitat funds. Clarifies application deadlines, the application evaluation method, and the application scoring method for these projects.

Fiscal Impact No fiscal impact.

ARC 8877B

Rule Summary Replaces the phrase "no-wake" with "five miles per hour" for boat speed limits on pre-designated locations on rivers and lakes.

Fiscal Impact No fiscal impact.

ARC 8878B

Rule Summary Rescinds rules for “All-Terrain Vehicle and Snowmobile Bonding” and adopts new rules for “All-terrain Vehicles, Off-road Motorcycles and Off-road Utility Vehicles.” Clarifies the procedures for registration, renewal, titling, decal placement, and accident reporting for all-terrain vehicles, off-road motorcycles, and off-road utility vehicles. Establishes minimum standards for all-terrain vehicle dealers and provides for the regulation of designated all-terrain vehicle riding areas. Existing rules relating to the “All-Terrain Vehicle and Snowmobile Bonding” are moved to “All-Terrain Vehicle, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobile and Vessel Bonding.”

Fiscal Impact No fiscal impact.

ARC 8879B

Rule Summary Rescinds rules for “Vessel Bonding” and adopts new rules for “Snowmobiles.” Clarifies procedures for registration, renewal, titling, decal placement, and accident reporting for snowmobiles. Establishes minimum standards for snowmobile dealers. Bonding requirement rules will be moved to “All-Terrain Vehicle, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobile and Vessel Bonding.”

Fiscal Impact No fiscal impact.

ARC 8880B

Rule Summary Rescinds rules for “All-terrain Vehicle and Snowmobile Accident Reports, Titling, Registration, and Numbering” and adopts new rules for “All-terrain Vehicle, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobile and Vessel Bonding.” Existing rules will be moved to new Chapters, as part of an update and reorganization of the rules pertaining to the Off-highway Vehicle Program and the Snowmobile Program.

Fiscal Impact No fiscal impact.

ARC 8886B

Rule Summary Removes the regulations requiring a controlled hunting program on Lake Odessa, in Louisa County, Iowa.

Fiscal Impact No fiscal impact.

ARC 8876B

Rule Summary Allows the State Forest Nursery to sell nursery stock out of state.

Fiscal Impact The Department of Natural Resources (DNR) estimates additional sales between 250,000 and 500,000 units that will increase revenue by \$125,000 to \$250,000 per year. The money is deposited in the Land and Conservation Fund that is used pay for expenditures in the State Forest Nursery.

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

6

		ARC 8881B
Rule Summary	Makes the following changes related to fishing: <ul style="list-style-type: none">• Removes the closed December 1 through March 15 season for all fishing below the Mississippi River Lock & Dam 11, 12, and 13.• Limits anglers to a maximum 5/0 treble hook size when snagging nongame species.• Adds a no snagging restriction from directly below the Oakland Mill's dam to the downstream end of the 253rd Street boat ramp.	
Fiscal Impact	No fiscal impact.	
		ARC 8882B
Rule Summary	Defines a Fishing Tournament as any organized fishing event, except for fishing events held for educational purposes and events sponsored by the DNR, involving the following: <ul style="list-style-type: none">• Six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats is required to be 20 or more or the number of participants are 40 or more.• An entry fee is charged.• Prizes or other inducements are awarded.	
Fiscal Impact	No fiscal impact.	
		ARC 8887B
Rule Summary	Specifies regulations for nonresident deer hunting that includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Makes the wording consistent for the regulation on shooting from a roadway for residents and nonresidents. Explains that a person that was unsuccessful in the drawing and then purchases a preference point will receive a refund for the cost of the preference point.	
Fiscal Impact	No fiscal impact.	
		ARC 8888B
Rule Summary	Changes the county antlerless deer licenses that meet the Department's deer management goals. The antlerless-only quotas were increased by 1,400 in three counties and reduced by 13,800 in 27 counties. Clarifies that landowner antlerless licenses will only be issued in those counties where paid licenses are available during the November antlerless season.	
Fiscal Impact	No fiscal impact.	
		ARC 8889B
Rule Summary	Adds Adair, Cass, Guthrie, Keokuk, Louisa, Madison, Mahaska, Marion, Warren and Washington counties to the open area for taking bobcats and increases the quota from 200 to 250.	
Fiscal Impact	Minimal fiscal impact.	

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

7

ARC 8883B

Rule Summary Defines priority watershed and directs compensation collected for the destruction of lost or injured animals to be paid to the DNR.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Board of Medicine

ARC 8925B

Rule Summary Establishes the standards of practice for physicians or surgeons, or osteopathic physicians or surgeons, that serve as a medical director of a medical spa. Provides for violations of improper delegation and supervision.

Fiscal Impact Minimal fiscal impact may occur due to an increase in investigations from complaints that may result from the new violation of improper delegation and supervision. No new fees are implemented and the Board retains fees from licensees to fund its operations.

ARC 8918B

Rule Summary Establishes standards of practice for interventional chronic pain management. Provides for the definition of interventional chronic pain management as the practice of medicine.

Fiscal Impact No fiscal impact. The Board of Medicine retains fees from licensees for Board operations.

ARC 8917B

Rule Summary Authorizes sharing of Physician Health Program participant information with the Board if a participant's information held by the Physician Health Committee indicates a significant risk to the public.

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

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Public Health

ARC 8860B

Rule Summary 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.

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

8

ARC 8861B

Rule Summary Plumbing and Mechanical Systems Board: Provides the requirements a licensee must follow to file a contested case. Clarifies proceedings the Plumbing and Mechanical Systems Board will conduct as it applies to a contested case. Provides information concerning decisions, appeals and recovery of hearing fees and expenses.

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.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Public Safety

ARC 8855B

Rule Summary Implements the Fire Protection System Installers and Maintenance Workers Licensing Program.

Fiscal Impact The number of applicants that will apply is unknown. The Department of Public Safety retains the fee revenue. The licenses are for two years. A regular license is \$250. A trainee license is \$100 and a temporary license is \$50.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Utilities Division – Department of Commerce

ARC 8859B

Rule Summary Requires each rate-regulated utility to interconnect any customer's on-site generation (i.e. distributed generation) with the utility's local distribution facilities.

Fiscal Impact No fiscal impact.

ARC 8858B

Rule Summary Prohibits the disconnection of electric or gas service to a residence where one of the heads of household is a deployed service member prior to 90 days following completed deployment.

Fiscal Impact No fiscal impact.

ARC 8871B

Rule Summary Requires telecommunication carriers to negotiate or litigate rates for local exchange access in certain circumstances involving high volume access services (HVAS).

Fiscal Impact No fiscal impact to the State. References rates are between carriers.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Department of Human Services

ARC 8896B and 8894B

Rule Summary Implements a health care access assessment for hospitals other than State-owned hospitals and critical access hospitals. Makes corresponding adjustments to payment rates for those participating hospitals.

Fiscal Impact The assessment provides a net gain to the affected hospitals of \$29.2 million and a gain to the State of \$19.5 million annually. The net gain is due to additional federal matching funds for Medicaid expenditures. The revenue has been included in the calculation for the enacted FY 2011 Medicaid budget and appropriations.

ARC 8853B

Rule Summary Removes requirements for the Department of Human Services (DHS) to return originals of all documents submitted to the Department as verification during Medicaid or Family Investment Program (FIP) eligibility determination.

Fiscal Impact No fiscal impact.

ARC 8897B

Rule Summary Makes two technical changes to policy for Medicaid eligibility for employed persons with disabilities.

Fiscal Impact No fiscal impact.

ARC 8864B

Rule Summary Clarifies the difference between a Medicaid disability review, required periodically depending on the nature of a member's disabling condition, and a Medicaid disability redetermination, required when a member reaches the age of 18, to apply adult disability criteria.

Fiscal Impact No fiscal impact.

ARC 8898B

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 8900B and 8899B

Rule Summary Continues the Medicaid rate reductions implemented in December 2009 pursuant to Executive Order 19 for State FY 2011.

Fiscal Impact By continuing the rates in effect for FY 2010, the State will save \$18.4 million. These rates have been included in the calculation for the enacted FY 2011 Medicaid budget and appropriations.

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

10

	ARC 8865B
Rule Summary	Terminates the rule that increased the family planning reimbursement rate by 5.0% for FY 2010. The family planning rate was set by HF 2526 (FY 2011 Health and Human Services Appropriations Act).
Fiscal Impact	No fiscal impact.
	ARC 8840B
Rule Summary	Changes the grace period for the monthly premium owed for the Healthy and Well Kids in Iowa (hawk-i) Program.
Fiscal Impact	Minimal loss of premium revenue. The change is required by the federal Children's Health Insurance Program Reauthorization Act (CHIPRA) with the grace period being the month that the premium is owed. This may result in the DHS furnishing coverage without the family paying the premium, creating an unpaid premium balance.
	ARC 8838B
Rule Summary	Allows coverage under the hawk-i Program for children claiming to be U.S. citizens that meet all other eligibility criteria except for proof of citizenship and extends the reasonable period for obtaining verification of citizenship from 60 days to 90 days.
Fiscal Impact	No fiscal impact.
	ARC 8841B
Rule Summary	Extends the period that a new enrollee can request to switch from one hawk-i Program health or dental plan to another from the current 30 days following the date the health or dental plan was notified of the person's initial enrollment to 90 days following that date.
Fiscal Impact	No fiscal impact. These changes are required by the federal CHIPRA, that requires states to follow Medicaid managed care regulations in the administration of their Children's Health Insurance Plans (CHIPs).
	ARC 8839B
Rule Summary	Changes the definition of "client error" used in the recovery of overpayments for the hawk-i Program.
Fiscal Impact	No fiscal impact.
	ARC 8901B
Rule Summary	Makes technical changes to licensing requirements for child-placing agencies that provide supervised apartment living placement services to provide for uniformity in the Department's administrative rules.
Fiscal Impact	No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

11

	ARC 8902B
Rule Summary	Increases the reimbursement rate for FY 2011 by 1.31% for supervised apartment living.
Fiscal Impact	The increase of 1.31% is an approximate increase of \$12,124 in State funding for FY 2011 compared to FY 2010 for supervised apartment living providers. House File 2531 (FY 2011 Standings Appropriations Act) appropriated \$1.0 million from the Underground Storage Tank Fund for reimbursement rate increases for supervised apartment living, foster care and adoption, and foster group care providers.
	ARC 8903B
Rule Summary	Increases the reimbursement rate for FY 2011 by 1.31% for foster group care services.
Fiscal Impact	The increase of 1.31% is an approximate increase of State funding of \$390,000 for FY 2011 compared to FY 2010 for foster group care providers. House File 2531 appropriated \$1.0 million from the Underground Storage Tank Fund for reimbursement rate increases for supervised apartment living, foster care and adoption, and group care providers.
	ARC 8904B
Rule Summary	Increases the reimbursement rate for FY 2011 by 1.31% for family foster care and adoption services.
Fiscal Impact	The increase of 1.31% is an approximate increase of State funding of \$167,000 for family foster care reimbursements and an increase of \$429,000 for adoption subsidies for FY 2011 compared to FY 2010. House File 2531 appropriated \$1.0 million from the Underground Storage Tank Fund for reimbursement rate increases for supervised apartment living, foster care and adoption, and group care providers.
	ARC 8912B
Rule Summary	Permits a Physician's Assistant or an Advanced Registered Nurse Practitioner (ARNP) 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. Clarifies from the noticed rule that an ARNP is not required to work under a physician's supervision.
Fiscal Impact	No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

12

ARC 8914B

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 8835B

Rule Summary Clarifies various issues related to Continuing Professional Education (CPE) including required CPE, types of CPE, reporting of CPE, and CPE limitations relating to accounting licensees.

Fiscal Impact No fiscal impact.

ARC 8868B

Rule Summary Increases the initial and annual permit fee for Certified Public Accountant (CPA) and Licensed Public Accountant (LPA) firms from \$50 to \$100.

Fiscal Impact There are currently 577 CPA and LPA firms in operation in the State. The \$50 increase in fees is expected to generate \$29,100. The Professional Licensing Bureau retains 85.0% (\$24,700) and the remainder (\$4,400) is deposited in the General Fund.

ARC 8866B

Rule Summary Implements a \$25 fee for completion of Interstate Transfer Forms for exam candidates and licensees.

Fiscal Impact Minimal fiscal impact.

ARC 8867B

Rule Summary Adds the \$100.00 reinstatement fee for lapsed CPA licenses.

Fiscal Impact No fiscal impact. The fee already exists, this is a technical change.

ARC 8836B

Rule Summary Makes technical changes to the Rules of Professional Conduct to ensure clarity and intent.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Department of Agriculture and Land Stewardship

ARC 8911B
Rule Summary Requires firewood that is offered for sale, sold, or distributed to be identified by the county and state of origin as part of the steps to contain the spread of the Emerald Ash Borer insect.

Fiscal Impact No fiscal impact.

ARC 8847B
Rule Summary Clarifies rules that persons applying for an animal care license that have been convicted of animal cruelty or neglect will be denied the license.

Fiscal Impact No fiscal impact.

ARC 8842B
Rule Summary Updates references for the federal Meat Inspection Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Office of the State Archaeologist – Board of Regents

ARC 8870B
Rule Summary Changes rules for the Office of the State Archeologist to more accurately reflect the operations of the agency, comply with federal and State laws, and correct outdated information. Includes provisions for waivers of rules and contested cases, updates to definitions, clarification of fiscal responsibilities allowing for consideration of available funding in determining responsibilities, updates to Iowa Site File submission, and access procedures to reflect digital and Internet technology. Adds a new chapter on public records and fair information practices.

Fiscal Impact No significant fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Dental Board

ARC 8846B
Rule Summary Specifies that applications for a license, permit, registration, or reinstatement of a license or registration are considered active for 180 days after receipt by the Dental Board. Requires applicants that do not provide all requested materials or that do not meet the requirements for a license, permit, registration, or reinstatement within 180 days to submit a new application and fee. Requires applicants for licensure or faculty permits to submit the results of a self-query of the National Practitioners Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB). Applicants for a faculty permit must also successfully complete the jurisprudence examination administered by the Board.

Eliminates the requirement that a person or organization sponsoring continuing education activities submit attendance records for continuing education courses to the Board and instead, continuing education providers must provide proof of attendance to course attendees and make records available at the request of the Board. Clarifies that applicants for reinstatement of an inactive license must provide proof of current Cardiopulmonary Resuscitation (CPR) to place their license on active status. Clarifies acceptable billing practices for a dentist. Clarifies that it is considered unethical and unprofessional conduct to prohibit a patient from filing a complaint with the Board or cooperating with a Board investigation, or from entering an agreement with a patient to not file a complaint.

Fiscal Impact No fiscal impact. The applicant is responsible for the cost to run a self-query of the NPDB and HIPDB. The cost for a self-query is \$16.00 and will affect approximately 250 applicants per year. The Board retains fees charged to licensees to fund its operations.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Historical Division – Department of Cultural Affairs

ARC 8873B

Rule Summary Revises the method for an applicant to certify project commencement for the Historic Preservation and Cultural and Entertainment District Tax Credits by removing the requirement that 10.0% of the project costs be expended within the first fiscal year. Requires the applicant to submit a project commencement report and cover letter certifying the commencement date of rehabilitation and outlining expenditure of qualified rehabilitation costs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Inspections and Appeals

ARC 8856B

Rule Summary Requires that all mushrooms 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 8857B

Rule Summary Creates consistent restraint standards in psychiatric medical institutions for children (PMICs) between the Department of Inspections and Appeals (DIA) and the Department of Education. The DIA has met with the trade association and PMICs and has received no opposition to the prohibition of prone restraints.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Insurance Division – Department of Commerce

ARC 8884B

Rule Summary Adds advanced registered nurse practitioners and physician assistants to the provisions addressing retrospective payment of clean claims for covered services during the credentialing period as specified in SF 2201 (Insurance Division Omnibus Act).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Labor Services Division – Department of Workforce Development

ARC 8862B

Rule Summary Adopts changes to federal occupational safety and health standards related to notice requirements for employees that may be exposed to hexavalent chromium.

Fiscal Impact No fiscal impact.

ARC 8916B

Rule Summary Establishes rules governing the issuance, revocation, and denial of boxer registrations to conform with current practice. Implements SF 2286 (Mixed Martial Arts Regulation Act) regarding amateur mixed martial arts (MMA). Bans aggressive behavior by participants, except between contestants in the ring. Adopts new definitions, makes editorial and technical changes, requires that MMA promoters give the Labor Commissioner 30-day advance notice of upcoming events, and requires MMA promoters to have three judges, two referees, and appropriate emergency medical personnel on site. Establishes requirements for an MMA event license. Establishes MMA scoring procedures. Increases the allowed size of a ring. Changes the weigh-in requirements. Changes the MMA time limits. Adds to the list of fouls for MMA.

The changes that have been made since the rules were first noticed include different acceptable proof of contestant's age, clarification concerning aggressive behavior by participants and officials, and clarification for banning matches between amateurs and professionals.

Fiscal Impact The rules for boxing registration conforms with the current practice and there are approximately 18 events registered annually. There will be additional costs for promoters of MMA events. There will be additional revenue and expenses to the Amateur Boxing Grants Fund due to the changes concerning the regulation of MMA events. While the number of events that will take place, the number of people that will attend, and the amount that will be charged for attendance is unknown, it is anticipated that the revenue and the expenses will be equal.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Board of Pharmacy

ARC 8891B

Rule Summary Provides for a definition of an uncertified pharmacy technician. Amends the definition of pharmacy technician to include pharmacy technician trainee, certified pharmacy technician, and uncertified pharmacy technician. Implements provisions of HF 2531 (FY 2011 Standing Appropriations Act) that establish the requirements for a pharmacy technician registered prior to January 1, 2010, that worked as a pharmacy technician for a minimum 2,000 hours during the 18-month period prior to registration and continues to work a minimum 2,000 hours during any 18-month period, to extend the deadline for national certification to December 31, 2013. Clarifies the technical functions that may be delegated to each of the pharmacy technician classifications. Clarifies references to pharmacy technicians or to specific classifications of pharmacy technicians. Removes outdated language and information regarding national certification and registrations issued prior to July 1, 2010.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees collected from licensees to fund the Board's operations.

ARC 8924B

Rule Summary Eliminates the requirements that pharmacies maintain the Iowa Pharmacy Law and Information Manual. Permits pharmacies to utilize other sources, including electronic or Internet-based sources, for Iowa pharmacy laws, rules, and regulations.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees charged to licensees to conduct fund its operations.

ARC 8909B

Rule Summary Establishes criteria for the administration and dispensing of prescription drugs through hospital outpatient services and a hospital emergency department. Defines terms specifically related to these hospital services and department. Addresses accountability controls for drugs maintained, administered, or dispensed through these services. Provides for the use of an InstyMeds dispensing system in a hospital emergency department.

Changes were made to Noticed Rule ARC 8413B due to public comment received. The term "prescription" as it is referred to when referring to the authorization for administration of a drug in outpatient and emergency departments may be synonymously used with the term "order" to reflect current practice. The requirement that all outpatient medication orders be in written format was eliminated. More clarification was added to the requirements of outpatient orders for Schedule II, III, IV, and V controlled substances and noncontrolled substances. Clarification for application of the rule was added when 24-hour outpatient pharmacy services are unavailable.

Fiscal Impact No fiscal impact. The Board retains fees charged to licensees to conduct their activities.

ARC 8915B

Rule Summary Replaces the current rule relating to the administration of immunizations by pharmacists. Defines the terms used for the new rule and establishes training and education requirements to qualify a pharmacist as authorized to administer vaccines. Establishes the requirements for administration of influenza and pneumococcal vaccines via written protocol and for the administration of other vaccines via patient-specific prescription. Establishes requirements for the documentation and recording of vaccine administration, reporting of the administration to the Immunization Registry Information System (IRIS), and reporting of serious complications to the patient's primary care physician and to the Vaccine Adverse Event Reporting System (VAERS).

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees charged to licensees to fund its operations.

ARC 8892B

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. Technical changes were made to Noticed Rule ARC 8667B due to public comment for clarification.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees collected from licensees to fund the Board's operations.

ARC 8923B

Rule Summary Defines terms and establishes responsibilities for parties involved in the provision of drugs to emergency medical service (EMS) programs. Requires a written agreement between the EMS program and the party or parties responsible for providing drugs to the EMS program and includes procedures for termination of those services. Provides requirements for storage and security of drugs maintained at the EMS program site. Requires the development, implementation, and adherence to policies and procedures for the operation and management of the EMS program. Establishes record-keeping requirements. Defines methods for utilization and replenishment of drug stocks. Identifies special handling and recordkeeping relating to controlled substances.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees charged to licensees to fund its operations.

ARC 8910B

Rule Summary Terminates Noticed Rule ARC 7924B relating to sterile compounding practices due to public comment received by the Board of Pharmacy from professional organizations.

Fiscal Impact No fiscal impact.

ARC 8913B

Rule Summary Clarifies the definition of “beyond-use date” for a sterile compounded product to apply to the date after compounding that a product may not be stored, administered, or transported. Clarifies the approved storage periods for high-risk compounded preparations depending on the temperature of the preparation during storage.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees charged to licensees to fund its operations.

ARC 8893B

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 such sales to a central repository under the control and administration of the Office of Drug Control Policy.

Changes were made to Noticed Rule 8666B due to public comment received. The waiver provision was removed, clarification was provided relating to what products that would be tracked, the provision relating to rule violations was removed since it is provided for in other professional licensing chapters, clarification was added to the use of the override function and the different requirements for State and federal law.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees collected from licensees to fund the Board’s operations.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Professional Licensure Division – Department of Public Health

ARC 8872B

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.

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)

Board of Regents

ARC 8854B

Rule Summary Increases selected application fees assessed to individuals applying for admission to the Regent institutions of higher education. Institutes a new application fee for non-degree students at the University of Iowa and University of Northern Iowa.

Administrative Rules – Fiscal Impact Summaries

July 13, 2010

19

Fiscal Impact The additional revenue will cover the existing processing costs. The proposed fees and increases are:

	Current Fee	Proposed Fee	Est. New Revenues
University of Iowa			
Undergraduate International Student	\$60	\$85	\$90,000
Graduate/Professional International	85	100	90,000
Non-Degree Student (New)	0	40	90,000
Total Increase			<u>\$270,000</u>
Iowa State University			
Undergraduate Domestic Student	\$30	\$40	\$148,690
Graduate Domestic Student	30	40	22,070
Graduate International Student	70	90	87,380
Total Increase			<u>\$258,140</u>
University of Northern Iowa			
Non-Degree Student (New)	0	\$40	\$2,000

ARC 8874B

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)

Telecommunications and Technology Commission

ARC 8895B

Rule Summary Merges the Operations and Engineering Bureaus into the Network Operations and Engineering Division, changes the Service Delivery Bureau to the Service Delivery Division, creates the Office of Chief Financial Officer, and clarifies the duties of the Divisions and offices within the Office of the Telecommunications and Technology Commission.

Fiscal Impact No fiscal impact. This organizational change does not change the administrative costs.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Department of Transportation

ARC 8869B

Rule Summary Clarifies and streamlines procedures in the rules and rescinds rules that are no longer valid.

Amends a myriad of procedures under the Department of Transportation (DOT), including titles and registrations, emblem plates, salvage titles, abandoned vehicles, licenses, and fees. Included in the changes are adjustments to vehicle registration fees for vehicles with permanently installed disability equipment to add automobiles and trucks under 10,000 pounds (generally three- and four-ton pick-up trucks), respectively.

The rules may affect owners of motor vehicle dealerships, applicants for bonded certificates of titles, applicants for processed emblem licensed plates, owners of business trade trucks that are 2010 and newer, county treasurers, vehicle recyclers, private universities, applicants for processed emblem plates, street rodding participants, private investigators, and applicants for dealer's licenses.

Fiscal Impact There is no fiscal impact to the State. There may be a fiscal impact to various business owners.

Regarding the change in motor vehicle registration fees for vehicles with permanently installed disability equipment, the fiscal impact cannot be determined because it is unknown how many vehicles will be equipped with the permanently installed equipment and at what fee those vehicles were registered previously. It is assumed that if the vehicles with the equipment were registered at fees higher than \$60.00 there will be a loss to the State's road funding. During the 2010 Legislative Session, the Legislative Services Agency estimated that the extension of the reduced fee to eligible pick-up trucks with disability equipment could cost the State approximately \$6,450, assuming 0.16% of all pick-up trucks registered at the reduced fee. Of that amount, approximately \$260 would be a loss to the counties' general funds and \$6,190 would be a decrease to the TIME-21 Fund.

ARC 8837B

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 DOT to cite the latest version of the rules. The changes in the CFR relate to for-hire interstate carriers.

Fiscal Impact No fiscal impact.