



## Fiscal Services Division

### ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

**November 9, 2010**

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

#### Natural Resource Commission

#### ARC 9051B – Held Over

**Rule Summary**      Increases the price for larger nursery stock by \$.10 per seedling or \$10.00 per hundred plants.

**Fiscal Impact**      The Department of Natural Resources (DNR) estimates annual sales of 1.2 million seedlings. This is expected to generate an additional \$120,000 for deposit in the Land and Conservation Fund that is used for operations.

#### ARC 9114B

**Rule Summary**      Rescinds the Emergency special events rule as it existed immediately prior to May 13, 2010, due to the delay imposed by the Administrative Rules Review Committee.

**Fiscal Impact**      No fiscal impact.

#### ARC 9117B

**Rule Summary**      Replaces the use of no-wake zones with defined speed restrictions of five miles per hour for the listed areas.

**Fiscal Impact**      No fiscal impact.

Table of Contents			
Agency	Page	Agency	Page
Natural Resource Commission	1	Dental Board	12
Environmental Protection Commission	3	Board of Educational Examiners	13
Early Childhood Iowa State Board	3	Ethics and Campaign Disclosure Board	15
Department of Education	4	Homeland Sec. and Emerg. Mang. Division	15
School Budget Review Committee	4	Insurance Division – Department of Commerce	15
Iowa Finance Authority	5	Board of Pharmacy	16
Department of Inspections and Appeals	6	Prof. Lic. Division – Dept. of Public Health	19
Department of Revenue	6	Secretary of State	20
Department of Public Health	7	IA. Telecommunications and Tech. Comm.	20
Department of Human Services	7	Treasurer of State	21
Accountancy Examining Board	11	Utilities Division – Dept. of Commerce	21
Department of Agriculture and Land Stewardship	12	Workers' Comp. Div. – Dept. of Workforce Dev.	21

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

2

### ARC 9118B

**Rule Summary** Makes changes to rules related to State Parks:

- Increases the percentage of campsites requiring a reservation to 75.0%.
- Removes the 3.0% credit card processing fee reference.
- Establishes an online reservation change fee of \$5 and increases the call center change fee to \$7.
- Establishes an online cancellation fee of \$5 and increases the call center cancellation fee to \$7.
- Changes the last day to make a rental facility reservation during the off season to seven days prior to the arrival date.

**Fiscal Impact** The Department of Natural Resources (DNR) estimates that State Park camping revenue will increase by at least \$56,000. This increase will be offset by an increase in expenditures to the reservation vendor of \$52,000 for a net increase of \$4,000. The expense offset includes:

- Increasing the number of reserved campsites is estimated at \$42,000.
- Increasing fees for reserved campsite and call center is \$1,500.
- Increasing cancellation fees is estimated at \$12,000.

The money is deposited in the Conservation Fund and used for State Park operations.

### ARC 9185B

**Rule Summary** Terminates Noticed rule ARC 8817B on special events for fireworks displays. The Conservation and Recreation Division in the Department of Natural Resources (DNR) issues a variety of special event permits and will complete a comprehensive review of all special events.

**Fiscal Impact** No fiscal impact.

### ARC 9189B

**Rule Summary** Updates falcon hunting rules to reflect recent federal Migratory Bird law changes as mandated by the U.S. Fish and Wildlife Service.

**Fiscal Impact** No fiscal impact.

### ARC 9188B

**Rule Summary** Updates existing falcon hunting rules and aligns them with federal regulations of the Fish and Wildlife Service's Migratory Bird Office.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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**Environmental Protection Commission**

**ARC 9154B**

**Rule Summary** Updates air quality rules to match new federal requirements:

- Adopts revised National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO<sub>2</sub>).
- Adopts amendments to New Source Performance Standards (NSPS) for nonmetallic mineral processing and coal processing.
- Adopts 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.
- Allows a facility with an incident of excess emissions to submit an initial report by e-mail rather than only by phone or in-person.

**Fiscal Impact** No fiscal impact.

**ARC 9153B**

**Rule Summary** Requires water quality certifications pursuant to Section 401 of the federal Clean Water Act for Regional Permit (RP) 27 and the re-issuance of Regional Permits 33 and 34 (RP 33 and RP 34). The federal Army Corps of Engineers used general permit authority to issue a number of general permits on a nationwide basis. The permits cannot exceed five years.

**Fiscal Impact** No fiscal impact.

**ARC 9152B**

**Rule Summary** Decreases the number of days the DNR can accept a groundwater professional's site investigation, classification, and corrective design report from 120 days to 90 days. Requires the DNR to identify material information in the report that is inaccurate or incomplete in that time period.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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**Early Childhood Iowa State Board**

**ARC 9137B**

**Rule Summary** Implements the Early Childhood Iowa (ECI) initiative enacted by the 2010 General Assembly in SF 2088 (Government Reorganization and Efficiency Act). The rules address the roles of the ECI State Board, the ECI staff associated with the Department of Management, the local ECI boards, and the ECI Stakeholders Alliance.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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# Administrative Rules – Fiscal Impact Summaries

November 9, 2010

4

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## Department of Education

**ARC 9143B**  
**Rule Summary** Conforms open enrolled students and supplementary weighting rules for community college courses with current Department of Education practices.

**Fiscal Impact** No fiscal impact.

**ARC 9144B**  
**Rule Summary** Clarifies various provisions regarding extracurricular interscholastic competition, including:

- Prohibitions regarding all-star players and all-star contests.
- The use of the term “days.”
- The prohibition on coaching student athletes outside the official season for the sport.
- The appeal process for academically ineligible students.
- The rule regarding cooperative sharing programs.

**Fiscal Impact** No fiscal impact.

**ARC 9147B**  
**Rule Summary** Clarifies that enforcement actions taken by the Department of Education are mandatory rather than permissive. This reflects current practice.

**Fiscal Impact** No fiscal impact.

**ARC 9145B**  
**Rule Summary** Corrects a discrepancy in the weight of Type A-2 school buses.

**Fiscal Impact** No fiscal impact.

**ARC 9146B**  
**Rule Summary** Amends the seclusion and restraint of student rules, including a suggestion from Iowa Protection & Advocacy (federal-related entity) relating to an employee evaluation when a violation may have occurred, and a suggestion by the federal Office for Special Education Programs indicating that compliance with related federal rules is required.

**Fiscal Impact** No fiscal impact.

STAFF CONTACTS: Shawn Snyder (Ext. 17799) and Robin Madison (Ext. 15270)

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## School Budget Review Committee

**ARC 9122B**  
**Rule Summary** Increases the number of School Budget Review Committee members from five to six and specifies that the Director of the Department of Education is a non-voting member. Decreases the minimum number of required meetings from four to three for each fiscal year.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

5

### ARC 9124B

**Rule Summary** Rescinds the rule regarding the minimum number of required meetings for the School Budget Review Committee. This rule is being modified by moving it to a different Section.

**Fiscal Impact** No fiscal impact.

### ARC 9125B

**Rule Summary** Rescinds obsolete language relating to on-time funding for increased enrollment.

**Fiscal Impact** No fiscal impact.

### ARC 9126B

**Rule Summary** Makes technical corrections that include referencing the School Budget Review Committee instead of the Department of Education.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Shawn Snyder (Ext. 17799)

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### Iowa Finance Authority

### ARC 9160B

**Rule Summary** Adopts the 2011 version of the Qualified Allocation Plan (QAP). The QAP establishes criteria for allocation of 2011 Low Income Housing Tax credits. The Allocation Plan is available at:  
<http://www.iowafinanceauthority.gov/index.cfm?nodeID=27866&audienceID=1>.

**Fiscal Impact** No fiscal impact.

### ARC 9159B

**Rule Summary** Establish the application and allocation criteria for the federal HOME housing Program. The Program was recently transferred from the Department of Economic Development (DED) to the Iowa Finance Authority (IFA).

**Fiscal Impact** No fiscal impact.

### ARC 9163B and 9162B

**Rule Summary** Establishes the parameters for the Emergency Shelters Grants Program. The Program provides assistance to homeless shelters and domestic violence shelters. The IFA is assuming the Program from the DED. The IFA previously operated the Program by a Chapter 28E agreement.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

6

### ARC 9167B and 9166B

**Rule Summary** Establishes the parameters for the Emergency Shelters Grants Program. The Program provides assistance to homeless shelters and domestic violence shelters. The IFA is assuming the Program from the DED. The IFA previously operated the Program by a Chapter 28E agreement.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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### Department of Inspections and Appeals

#### ARC 9120B

**Rule Summary** Adds the Det Norske Veritas (DNV) to the list of hospital accreditation organizations. Current rules specify only two accreditation organizations.

**Fiscal Impact** No fiscal impact.

#### ARC 9121B

**Rule Summary** Adopts the current Iowa food code for food service at hospitals. Adoption of the Iowa food code for hospital food service brings hospitals under the same compliance rules as other food establishments in Iowa.

**Fiscal Impact:** No fiscal impact.

#### ARC 9119B

**Rule Summary** Adopts the 2010 Guidelines for Design and Construction of Health Care Facilities provided by the Facility Guidelines Institute as the minimum construction standards for hospitals and off-site premises.

**Fiscal Impact:** Fiscal impact unknown. Hospitals and off-site premises are routinely designed using the latest construction guidelines. Adoption of these rules simply requires construction plans be designed in accordance with the 2010 guidelines.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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### Department of Revenue

#### ARC 9113B

**Rule Summary** Updates data references used to value agricultural properties. Removes references to the Iowa Crop and Livestock Reporting Service as it is no longer an applicable agency.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

7

### ARC 9197B

**Rule Summary** Sets the interest rate of 5.0% per annum (0.40% per month) for unpaid taxes and refunds owed on or after January 1, 2011.

**Fiscal Impact** Fiscal impact is not known depending upon the number of properties impacted. This is no change to the 2010 calendar year interest rate.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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### Department of Public Health

### ARC 9110B

**Rule Summary** Updates rules relating to the Iowa Domestic Abuse Death Review Team including the composition of the Team and the frequency of issuing reports. Includes making the former annual report a biennial one, allows the health care provider appointed to the Team to be a doctor or a nurse, appoints both a female and male victim of domestic abuse, and adds the Department of Human Rights as a liaison assigned to the Team.

**Fiscal Impact** No fiscal impact. Although operating costs may increase slightly with the additional members added to the Team, the cost of travel and per diems are paid for with a federal grant.

STAFF CONTACT: Deborah Helsen Thompson (Ext. 16764)

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### Department of Human Services

### ARC 9127B

**Rule Summary** Rescinds the proposed rules on health care access assessment for hospitals that were adopted and filed emergency and readopts them by regular process. Implements a health care access assessment for hospitals other than State-owned hospitals and critical access hospitals and make 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. The net gain is due to additional federal matching funds for Medicaid expenditures. The gain was included in the FY 2011 State Medicaid appropriation.

### ARC 9129B and 9128B

**Rule Summary** Adds a voucher system for the administration of benefits under the Iowa Disaster Aid Individual Assistance Grant Program. Permits a person to purchase a replacement item with reimbursement directly to the seller of the item.

**Fiscal Impact** This could increase the number of items purchased after a disaster without the requirement of paying for a replacement item personally initially. The number of future disasters that would trigger the Program is not known on an annual basis. Funding is from the nonappropriated funds available to the Executive Council for expenditure.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

8

### ARC 9131B and 9130B

**Rule Summary** Implements the lowans Helping lowans Unmet Needs Disaster Assistance Program created by the Governor for the counties in federally-declared disaster areas since June 1, 2010. Specifies that funds are distributed by local administrative entities. Limits eligibility to 300.0% of the Federal Poverty Level (FPL) for the specified size of the household applying for the Program.

**Fiscal Impact** The Program received an allocation of \$5.0 million from a cash flow transfer for FY 2011, for the Program. The transfer was part of a \$20.0 million transfer that included 75.0% from the Department of Human Services (DHS) Cash Reserve Fund Medicaid appropriation and 25.0% from the Department of Economic Development Grow Iowa Values appropriation.

### ARC 9155B

**Rule Summary** Terminates the rule that proposed replacement of a Food Assistance Program electronic benefits transfer card when three consecutive transactions have been manually keyed rather than the usual swiping of the card. The DHS is reviewing the options to eliminate a possible negative impact on the recipient of the card being deactivated in the process.

**Fiscal Impact** The impact is unknown since there could be a vendor cost that may have required an amendment to the existing contract.

### ARC 9112B

**Rule Summary** Updates provider qualifications for the Medicaid Home and Community-Based Services (HCBS) Medicaid waiver Programs.

**Fiscal Impact** No fiscal impact as a result of the technical changes in the proposed rule.

### ARC 9138B

**Rule Summary** Adds assisted living as a covered service under the Medicaid Home and Community-Based Services (HCBS) Elderly Waiver.

**Fiscal Impact** No fiscal impact. The elderly waiver monthly service cap of \$1,117 for a person at the nursing level of care remains unchanged. It is not expected that the eligibility will increase as a result of this change alone.

### ARC 9111B

**Rule Summary** Extends the time that a physician may sign a home health agency plan of care. The current Medicaid standard is that the physician's signature is required within the certification period. The federal Medicare Program allows the plan to be signed any time before the claim for home health agency services is submitted for reimbursement. The proposed rule would have the two requirements match for the date of the physician's signature.

**Fiscal Impact** No fiscal impact.



## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

9

### ARC 9170B

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

**Fiscal Impact** No fiscal impact.

### ARC 9133B and 9132B

**Rule Summary** Permits pharmacies that administer the influenza vaccine available through the Vaccines for Children (VFC) Program to receive reimbursement for the vaccine administration to Medicaid members.

**Fiscal Impact** No fiscal impact. Currently pharmacies are reimbursed through the exception to policy process. The administration cost would be paid to a physician providing the same service.

### ARC 9134B

**Rule Summary** Restores a 2.5% rate reduction for State FY 2011 for individuals providing consumer-directed attendant care (CDAC) services under a Medicaid Home and Community-Based Services (HCBS) Waiver. This results from a recent mediation addressing two grievances on rate reductions filed by the American Federation of State, County, and Municipal Employees (AFSCME) on behalf of the providers. The grievance procedure was carried out under the terms of a memorandum of understanding between the DHS and AFSCME pursuant to Executive Order 43, in effect since July 4, 2005.

**Fiscal Impact** This change is estimated to cost \$324,000 in FY 2011 and \$412,000 in FY 2012. No funding has been provided for this change.

### ARC 9157B

**Rule Summary** Expands the use of civil money penalties collected from nursing facilities to include a Quality Improvement Initiative Grant.

**Fiscal Impact** Civil money penalties are deposited in the State's Civil Money Penalty (CMP) Fund, and can only be used for specific purposes as defined by the federal Centers for Medicare and Medicaid Services (CMS). It is estimated that the DHS will provide \$2.4 million in Quality Improvement Grants in FY 2011 and \$170,000 annually after that.

### ARC 9135B

**Rule Summary** Changes the IowaCare Program premium policies to satisfy federal requirements and changes the IowaCare Program provider network and services as directed by SF 2356 (FY 2010 Health Care Reform Act). Establishes new provisions related to the IowaCare provider network, including addition of federally qualified health centers (FQHCs) as IowaCare "medical home" providers and addition of non-IowaCare providers rendering emergency medical services under limited and specified conditions.

**Fiscal Impact** This change is estimated to cost \$2.7 million in FY 2011 and \$3.6 million in FY 2012. Funding was provided for this change in FY 2011 from the IowaCare Account.

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	<b>ARC 9172B</b>
<b>Rule Summary</b>	Implements a new Promoting Healthy Marriage Program.
<b>Fiscal Impact</b>	This change is estimated to cost \$50,000 in FY 2011 and \$108,000 in FY 2012 for administration. Temporary Assistance for Needy Families (TANF) funding is available for this Program. The DHS is implementing this Program as a means of expanding categorical eligibility for Food Assistance to 160.0% of the Federal Poverty Level (FPL) as directed in HF 2526 (FY 2011 Health and Human Services Appropriations Act), Section 7.4(d)(2).
	<b>ARC 9174B</b>
<b>Rule Summary</b>	Changes the federal Interim Assistance Reimbursement and the Supplementary Security Income (SSI) Programs: <ul style="list-style-type: none"><li>• Adds county commissions of veteran affairs to the definition of “county agency.”</li><li>• Removes requirements that are more appropriately reserved for inclusion in the agreement between county agencies and the DHS.</li><li>• Eliminates the automatic renewal of the agreement between the DHS and the county agency.</li><li>• Requires the county agencies to submit certain forms directly to the federal Social Security Administration, with a copy to the DHS.</li></ul>
<b>Fiscal Impact</b>	Minimal fiscal impact.
	<b>ARC 9173B</b>
<b>Rule Summary</b>	Expands categorical eligibility beyond households where all members receive Family Investment Program (FIP) or Supplemental Security Income (SSI) benefits. This is an option in the federal Supplemental Nutrition Assistance Program.
<b>Fiscal Impact</b>	This change is estimated to cost \$227,000 in FY 2011 and \$941,000 in FY 2012. These changes will be funded by additional federal funds received as part of the federal American Recovery and Reinvestment Act (ARRA) of 2009.
	<b>ARC 9175B</b>
<b>Rule Summary</b>	Makes the following changes to the Medicaid Program: <ul style="list-style-type: none"><li>• Removes Medicaid drugs prescribed for mental illness from the list of drugs exempt from prior authorization when the drug is not on the Preferred Drug List (PDL).</li><li>• Restricts physicians and other prescribers to a maximum of three days of prescription drugs that are not on the Medicaid PDL while seeking approval to continue the medication.</li><li>• Places chemically unique mental health drugs on the nonpreferred drug list and requires prior authorization if the drug does not receive supplemental rebates. This Section is to be implemented January 1, 2011.</li></ul>
<b>Fiscal Impact</b>	These changes are estimated to save the State \$343,000 in FY 2011 and \$997,000 in FY 2012. These changes are required as part of SF 2088 (FY 2011 Government Reorganization and Efficiency Act) and were included in the FY 2011 Medicaid appropriation estimate.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

11

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**ARC 9176B**  
**Rule Summary** Continues the Medicaid rate reductions instituted 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. This has been included in the estimated FY 2011 Medicaid appropriation.

**ARC 9177B**  
**Rule Summary** Adjusts services provided by the Child Support Recovery Unit for collection of court-ordered support through State and federal offsets.

**Fiscal Impact** Minimal fiscal impact.

**ARC 9215B**  
**Rule Summary** Require payors of income to begin submitting child support payments to the Collection Services Center electronically (rather than by check) no later than June 30, 2015, unless an exemption applies.

**Fiscal Impact** This change is estimated to save the General Fund \$23,000 annually.

**ARC 9195B**  
**Rule Summary** Makes technical changes to conform to statutory changes regarding the review, adjustment, and modification of court orders for child and medical support.

**Fiscal Impact** No fiscal impact.

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

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### Accountancy Examining Board

**ARC 9123B**  
**Rule Summary** Makes the reinstatement penalty of \$25 per month for lapse of license only effective for those that engage in acts or practices required of an active Certified Public Accountant (CPA) certificate.

**Fiscal Impact** No fiscal impact.

**ARC 9202B**  
**Rule Summary** Changes the renewal status for active and inactive CPAs and Licensed Public Accountant (LPAs) from biennial renewal to annual renewal. The fee remains \$100 for active CPA or LPA licenses and \$50 for inactive CPA or LPA licenses.

**Fiscal Impact** There are approximately 4,400 active CPA and LPA licenses in Iowa and 2,000 inactive licenses. The change to annual renewal will generate approximately \$220,000 in fees for active licenses each fiscal year, and \$100,000 in additional revenue for inactive licenses each fiscal year. The Professional Licensing Bureau retains 85.0% of the total increased revenue (\$272,000) and the remaining 15.0% (\$48,000) is deposited in the General Fund.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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**Department of Agriculture and Land Stewardship**

**ARC 9151B**

**Rule Summary** Rule changes for moving cattle and bison:

- Eliminates requirements for pre-entry import permits for cattle or bison originating from a state with a modified accredited advanced tuberculosis (TB) zone.
- Eliminates requirements for whole-herd TB testing within the past year for cattle and bison less than six months of age that originate from a modified accredited advanced TB zone.
- Allows cattle and bison from the southern Minnesota zone (determined by the U.S. Department of Agriculture) to have the same pre-entry permit and TB testing requirements as states with TB-free status.

**Fiscal Impact** No fiscal impact.

**ARC 9165B**

**Rule Summary** Updates grain warehouse rules and reflects changes made in SF 2299 (FY 2011 Grain Indemnity Fund Act):

- Replaces the annual fee paid by grain dealers and warehouse operators with a participation fee.
- Changes the annual warehouse participation fees from \$2.75 per 5,000 bushels of capacity to fourteen thousandths of a cent per bushel of licensed storage capacity with a limit of \$500.
- Changes the dealer participation fees from \$500 to fourteen thousandths of a cent per bushels of grain purchased.

**Fiscal Impact** Minimal fiscal impact.

**ARC 9190B**

**Rule Summary** Requires firewood offered for sale or distributed to be identified by county and state of origin.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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**Dental Board**

**ARC 9218B**

**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.

Due to a comment received from the Iowa Dental Association, the billing practices language has been modified since the rule was Noticed.

**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)

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**Board of Educational Examiners**

**ARC 9209B**

**Rule Summary** Removes detention in a brothel as a criminal sexual offense from the Board's administrative rules. This reflects a change in statute enacted in 2010.

**Fiscal Impact** No fiscal impact.

**ARC 9203B**

**Rule Summary** Requires a 45-day timeline for completion of incomplete applications. If appropriate documents are not filed within the 45-day window, the application for licensure or an endorsement will be closed. Requires an applicant to restart the process if necessary after the 45 days.

**Fiscal Impact** No fiscal impact to the State. An applicant may incur additional application fees under the timeline.

**ARC 9207B**

**Rule Summary** Prohibits a nonrenewable Class B license, valid for only two years with limited requirements, to be issued for the driver education endorsement.

**Fiscal Impact** No fiscal impact.

**ARC 9205B**

**Rule Summary** Requires an applicant for a substitute teacher license to have a degree from an approved teacher education program.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

14

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**ARC 9206B**  
**Rule Summary** Specifies that teachers holding a substitute license may not substitute in a driver education classroom.

**Fiscal Impact** No fiscal impact.

**ARC 9210B**  
**Rule Summary** Updates the requirements for the elementary school teacher librarian endorsement to reflect the skills needed.

**Fiscal Impact** No fiscal impact.

**ARC 9211B**  
**Rule Summary** Updates skills required for the secondary school teacher librarian endorsement to reflect the skills needed.

**Fiscal Impact** No fiscal impact.

**ARC 9212B**  
**Rule Summary** Updates the skills needed for the school teacher librarian PK-12 (pre-kindergarten to grade 12) endorsement.

**Fiscal Impact** No fiscal impact.

**ARC 9199B**  
**Rule Summary** Eliminates outdated language regarding administrative licensure and endorsements of individuals prepared outside of Iowa.

**Fiscal Impact** No fiscal impact.

**ARC 9200B**  
**Rule Summary** Eliminates outdated and unnecessary language regarding administrator licensure.

**Fiscal Impact** No fiscal impact.

**ARC 9201B**  
**Rule Summary** Eliminates an unnecessary provision that is addressed through the waiver process for an administrator licensure or endorsement.

**Fiscal Impact** No fiscal impact.

**ARC 9204B**  
**Rule Summary** Adds an area of concentration for paraeducators that work with vision-impaired students.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

15

### ARC 9208B

**Rule Summary** Removes detention in a brothel as a criminal sexual offense from the Code of Professional Conduct and Ethics. This reflects a change in statute enacted in 2010.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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### Ethics and Campaign Disclosure Board

### ARC 9216B

**Rule Summary** Replaces the requirement that State campaign committees submit a campaign bank statement each January with a requirement that a bank statement be filed upon request by the Board or when a committee dissolves.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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### Homeland Security and Emergency Management Division – Department of Public Defense

### ARC 9150B and ARC 9149B

**Rule Summary** Technical correction to update the Hazard Mitigation Plan official date reference.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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### Insurance Division – Department of Commerce

### ARC 9168B and 9158B

**Rule Summary** Reflects recent changes approved in SF 2201 (Insurance Division Omnibus Act). Sets a procedure to be followed for hearings about certain health insurance policy premium rate increases.

**Fiscal Impact** No fiscal impact.

### ARC 9164B

**Rule Summary** Eliminates an outdated division and updates and clarifies the duties and procedures relating to insurance coordination of benefits.

**Fiscal Impact** No fiscal impact.

### ARC 9169B

**Rule Summary** Updates and clarifies duties and procedures for those engaged in the securities business.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

16

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**ARC 9184B**  
**Rule Summary** Provides an example in the regulatory asset adequacy issues summary, regarding comments on interim results that may be of significant concern to the appointed actuary.

**Fiscal Impact** No fiscal impact.

**ARC 9181B**  
**Rule Summary** Removes restrictions on the mortality adjustment factors (X factors) in the deficiency reserve calculation required by the Valuation of Life Insurance Policies Model Regulation.

**Fiscal Impact** No fiscal impact.

**ARC 9182B**  
**Rule Summary** Allows the use of the 2001 American Academy of Actuaries Commissioners Standard Ordinary Task Force Mortality Table as a substitute on policies issued on or after January 1, 2004 and prior to January 1, 2007 with the consent of the Insurance Commissioner.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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### Board of Pharmacy

**ARC 9161B**  
**Rule Summary** Updates the address for the Governor's Office of Drug Control Policy in the pseudoephedrine tracking system rules previously adopted.

**Fiscal Impact** No fiscal impact.

**ARC 9179B**  
**Rule Summary** Terminates the previously Noticed rule that decreases fees for the licensure and registration of pharmacists, pharmacy technicians, pharmacies, drug wholesalers, permits for precursor substances, and individuals involved in the distribution of controlled substances in Iowa. Reduces late payment penalty fees and examination or license transfer fees. The following chart delineates the Noticed rule changes.



# Administrative Rules – Fiscal Impact Summaries

November 9, 2010

17

<u>Category</u>	<u>Current</u>	<u>Revised</u>	<u>Category</u>	<u>Current</u>	<u>Revised</u>
Pharmacists			Registration for services related to		
License	\$200.00	\$100.00	controlled substances	\$100.00	\$60.00
License transfer/reciprocity	\$100.00	\$50.00	Late registration charges	\$100.00	\$60.00
Processing fee	\$80.00	\$50.00	Permits to purchase, transfer,		
Late renewal charges			otherwise receive precursor drugs	\$200.00	\$100.00
After July 1	\$200.00	\$100.00	Late permit renewal charges	\$200.00	\$100.00
After August 1	\$300.00	\$200.00	Wholesale Drugs		
After September 1	\$400.00	\$300.00	License	\$300.00	\$150.00
After October 1	\$500.00	\$400.00	Late renewal charges		
Fines cannot exceed	\$700.00	\$500.00	After January 1	\$300.00	\$150.00
Pharmacy Technician Registration	\$50.00	\$30.00	After February 1	\$400.00	\$250.00
Pharmacies			After March 1	\$500.00	\$350.00
License to operate	\$150.00	\$100.00	After April 1	\$600.00	\$450.00
Late renewal charges			Fines cannot exceed	\$900.00	\$600.00
After January 1	\$150.00	\$100.00			
After February 1	\$250.00	\$150.00			
After March 1	\$350.00	\$200.00			
After April 1	\$450.00	\$250.00			
Fines cannot exceed	\$600.00	\$350.00			

The Board of Pharmacy is rescinding the Noticed rule due to comments received from a professional pharmacy and pharmacist association. The original Noticed rule expired within the 180-day limitation.

**Fiscal Impact**

The Board retains fees charged to licensees to conduct their activities. Revenues generated by the Board's current fee schedule total nearly \$2.0 million annually. Reducing fees to the Noticed proposed levels would have resulted in revenues of approximately \$1.1 million, a reduction of more than \$850,000 annually.

**ARC 9192B**

**Rule Summary**

Exempts a pharmacy resident from continuing education requirements when in a pharmacy residency program. Requires the pharmacist resident to petition the Board on specific written forms as soon as possible following commencement of the residency program and prior to completion of the program.

**Fiscal Impact**

No fiscal impact.

**ARC 9193B**

**Rule Summary**

Requires a certified pharmacy technician to maintain both the Iowa pharmacy technician registration and the national pharmacy technician certification, in good standing, to practice as a certified pharmacy technician in Iowa.

**Fiscal Impact**

No fiscal impact.

**ARC 9183B**

**Rule Summary**

Clarifies the record requirements that identified a pharmacist involved in the visual verification of a drug product or device that has been remotely verified and approved for dispensing when a hospital pharmacy is closed. Clarifies that only a certified pharmacy technician may assist nonpharmacy personnel to locate a needed prescription drug when the pharmacy is closed and when the certified pharmacy technician has been authorized by the pharmacist in charge.

**Fiscal Impact**

No fiscal impact.

**ARC 9194B**

**Rule Summary** Requires a pharmacy to maintain a log of the initials or unique identification codes identifying by name each pharmacy support person, pharmacists, pharmacist-interns, and pharmacy technicians. Requires the information be available for inspection or copying for a minimum of two years.

**Fiscal Impact** No fiscal impact to the State.

**ARC 9178B**

**Rule Summary** Recinds the Noticed rule that proposed replacing the current rule relating to the administration of immunizations by pharmacists.

The Noticed rule 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).

The Board of Pharmacy is terminating the proposed rule to allow further discussion and negotiation with the various interested professionals.

**Fiscal Impact** No fiscal impact to the rescission or the Noticed rule. The Board of Pharmacy retains fees charged to licensees to fund its operations.

**ARC 9196B**

**Rule Summary** Clarifies the requirement for reducing an oral prescription to a written format, permitting the written format to be a computer-generated printout of the information required for the prescription and not limited to a hand-written format.

**Fiscal Impact** No fiscal impact to the State.

**ARC 9180B**

**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 9187B**

**Rule Summary** Excludes the placement of a compounding aseptic isolator (CAI) within an ISO Class 8 anteroom or ante area when the CAI meets ISO Class 5 atmospheric environment conditions.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

19

### ARC 9191B

**Rule Summary** Updates the name of the Board of Pharmacy in various rules. Corrects the title of the Executive Director of the Board. Updates various references and processes.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Deborah Helsen Thompson (Ext. 16764)

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## Professional Licensure Division – Department of Public Health

### ARC 9109B

**Rule Summary** Board of Chiropractic Physicians: Removes the requirement for a picture identification to be submitted for licensure. Clarifies the language for acupuncture to make it clear regarding the final examination. Makes the conditions for independent practice consistent with the other nineteen professional boards in the Bureau of Professional Licensure. Removes the Occupational Safety and Health Administration training requirements for licensure renewal.

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

### ARC 9156B

**Rule Summary** Adds requirements for foreign-trained physical therapist assistants. Updates continuing education for physical and occupational therapy licensure. Updates the physical and occupational therapy discipline requirement to be consistent with the Iowa Code.

**Fiscal Impact** No fiscal impact.

### ARC 9171B

**Rule Summary** All Boards: Amends the audit rules relating to all professional licensure boards. Clarifies the current audit rule processes for licensees. Streamlines the current audit process while providing reasonable timeframes for completion of continuing education.

**Fiscal Impact** No fiscal impact. The boards in the Bureau of Professional Licensure retain fees charged to licensees to fund operations.

### ARC 9217B

**Rule Summary** Board of Physician Assistants: Permits electronic prescriptions to include the name of both the physician assistant and the supervising physician as required by Code. Currently, some electronic systems do not allow this identification to occur resulting in the inability to file an electronic prescription that will comply with the law.

**Fiscal Impact** No fiscal impact. The Board of Physician Assistants retains fees charged to licensees to fund operations.

STAFF CONTACT: Deborah Helsen Thompson (Ext. 16764)

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## Administrative Rules – Fiscal Impact Summaries

November 9, 2010

20

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### Secretary of State

#### ARC 9142B

**Rule Summary** Terminates the Noticed rule relating to changes to the confirmation receipt of an absentee ballot on election day to conform to SF 2196 (Administration of Election Law Act). The rule made several technical updates, including correction of incorrect Code citations.

**Fiscal Impact** No fiscal impact

#### ARC 9141B

**Rule Summary** Terminates the Noticed rule relating to a new procedure for precinct election officials to follow when processing an election day registrant in precincts where an electronic program is not used to verify whether an election day registrant is a potential match to an individual listed on the statewide felon file. Required a written request for absentee ballots for overseas military persons to be valid for one calendar year rather than two general election cycles. This conforms with SF 2194 (Technical Election Laws Changes Act).

**Fiscal Impact** No fiscal impact.

#### ARC 9140B and 9139B

**Rule Summary** Removes a restriction from allowing satellite absentee voting stations to connect to the statewide voter registration system (I-Voters). Establishes an application process for county election commissioners to follow to connect a satellite absentee voting station to the I-Voter System. Sets forth security requirement to ensure the electronic connection to the I-Voter System is secure.

**Fiscal Impact** This change will not have a fiscal impact to the State. However, if a county chooses to connect a satellite absentee voting station to the I-Voter System, the county may incur costs for any necessary computer hardware (i.e., laptop computers). The State will not charge a fee for connection of a satellite absentee voting station to the I-Voter System.

STAFF CONTACT: Dave Reynolds (Ext. 16934)

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### Iowa Telecommunications and Technology Commission

#### ARC 9148B

**Rule Summary** Merges two Divisions of the Iowa Communications Network. Creates the Office of Chief Financial Officer. Clarifies the duties of the Divisions and Offices.

**Fiscal Impact** No fiscal impact. This organizational change does not increase or decrease the administrative costs.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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**Treasurer of State**

**ARC 9214B**

**Rule Summary** Increases the net worth requirement of the Linked Investments for Tomorrow (LIFT) Program for small business owner eligibility from \$750,000 to \$975,000. This is expected to increase the number of small businesses that can participate in the LIFT Program.

Under the LIFT Program, the Treasurer of State can invest up to \$108.0 million of the State pooled money fund in certificates of deposit with a lending institution at 3.0% below the one-year Treasury bill rate. In turn, the lending institution loans the amount invested to a qualified small business at a higher rate of interest not to exceed 4.0% above the rate paid to the State. Half of this amount is available for qualifying small businesses that are 51.0% or more owned by women, minorities, or persons with disabilities.

**Fiscal Impact** No fiscal impact

STAFF CONTACT: Dave Reynolds (Ext. 16934)

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**Utilities Division – Department of Commerce**

**ARC 9136B**

**Rule Summary** Reflects new advances in exterior flood lighting (street lighting) technology relating to efficiency standards.

**Fiscal Impact** No fiscal impact.

**ARC 9198B**

**Rule Summary** Implements various changes from SF 2324 (Statewide Cable Franchise Act) relating to cable franchising. Changes include:

- Creating new notice and application requirements
- Allowing the Iowa Utilities Board 30 days to issue a certificate of franchise authority, unless more time is needed for review.
- Eliminates the application fee and other fees included in the current rules in light of a new provision allowing the Board to assess costs associated with providing a certificate.
- Creates new provisions regarding what happens when a certificate holder fails to commence operations or ceases providing service.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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**Workers' Compensation Division – Department of Workforce Development**

**ARC 9213B**

**Rule Summary** Requires the filing of Electronic Data Interchange (EDI) forms, petitions, pleadings, responses, and other submissions, to be made by the paperless electronic record filing and electronic claim submission system of the Workers' Compensation Division.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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