

Administrative Rules – Fiscal Impact Summaries

January 4, 2011

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Board of Educational Examiners

ARC 9305B
Rule Summary Requires a licensure and ethics orientation, offered by the Board of Educational Examiners, prior to renewing a teaching license.

Fiscal Impact No fiscal impact.

ARC 9302B
Rule Summary Requires a licensure and ethics orientation for the professional core component, offered by the Board of Educational Examiners, prior to issuing a teaching license.

Fiscal Impact No fiscal impact.

ARC 9303B
Rule Summary Requires a licensure and ethics orientation, offered by the Board of Educational Examiners, prior to issuing an administrator license.

Fiscal Impact No fiscal impact.

ARC 9306B
Rule Summary Requires administrators seeking renewal of a license to obtain the signature of the superintendent if they do not meet the renewal requirements. For superintendents, the signature of the local school board president is required.

Fiscal Impact No fiscal impact.

ARC 9300B
Rule Summary Updates the renewal of five-year teaching licenses to reflect current practice.

Fiscal Impact No fiscal impact.

ARC 9304B
Rule Summary Requires a licensure and ethics orientation, offered by the Board of Educational Examiners, prior to renewal of an initial administrator license.

Fiscal Impact No fiscal impact.

ARC 9301B
Rule Summary Updates rule to reflect current practice regarding the renewal of Professional Service licenses.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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Department of Education

Rule Summary	Conforms open enrolled students and supplementary weighting rules for community college courses with current Department of Education practices.	ARC 9261B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies rules regarding open gyms. Allows local school administrators to make decisions regarding the posting of notices of open gyms.	ARC 9270B
Fiscal Impact	No fiscal impact.	
Rule Summary	Makes technical and conforming changes as a result of federal guidance and legislation regarding special education.	ARC 9269B
Fiscal Impact	No fiscal impact.	
Rule Summary	Conforms student transportation rules to with statutory requirements.	ARC 9262B
Fiscal Impact	No fiscal impact.	
Rule Summary	Corrects a discrepancy in the weight of Type A-2 school buses.	ARC 9263B
Fiscal Impact	No fiscal impact.	
Rule Summary	Modifies charter school rules and adds rules pertaining to Innovation School Zones to conform with statutory provisions.	ARC 9264B
Fiscal Impact	No fiscal impact.	
Rule Summary	Corrects a language error that inadvertently precluded all superintendents from the definition of beginning administrator for the Beginning Administrator Program.	ARC 9265B
Fiscal Impact	No fiscal impact.	
Rule Summary	Prohibits eligible special education and at-risk students from being denied participation in supplementary weighting programs.	ARC 9266B
Fiscal Impact	No fiscal impact.	

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ARC 9267B

Rule Summary Conforms the financial management of categorical funding language to statutory requirements.

Fiscal Impact No fiscal impact. The market factor pay incentive provides guidance to districts that have funds remaining for the defunct program. The FY 2009 ending fund balance data from the Department of Education's Certified Annual Report indicates 272 districts had a total of \$3.1 million in Market Factor Pay funds remaining.

ARC 9268B

Rule Summary Conforms to statutory definitions and current practices, including avoidance of the use of the word "victim" regarding certain incident investigations by school employees.

Fiscal Impact No fiscal impact.

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

Department of Inspections and Appeals

ARC 9298B and ARC 9299B

Rule Summary Requires the Department of Inspections and Appeals to establish a process for lowans that have been denied a permit to acquire firearms, carry weapons, or had a permit suspended or revoked, to appeal the decision of the Sheriff or Commissioner of Public Safety to an Administrative Law Judge.

Fiscal Impact The fiscal impact is unknown. It is unknown how many lowans have been denied permits or have had permits suspended or revoked that may appeal that decision.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Iowa Public Employees' Retirement System

ARC 9310B

Rule Summary Implements the new contribution rates for the Iowa Public Employees' Retirement System (IPERS) special service employers and members. Clarifies the administration of marital property orders. Clarifies that IPERS determines covered wage limits under both sections (A) and (B) of Internal Revenue Code (IRC) Section 401(a)(17). The express references to those sections (A) and (B) were not included when rules were revised and republished in 2008.

Fiscal Impact The majority of the rule has no fiscal impact. The fiscal impact on the contribution rate increase cannot be precisely determined because the amount of wages paid through the end of each fiscal year is not known until the end of the year. The estimate below does assume a 4.0% payroll growth assumption for covered payrolls.

The following shows the estimated projected rate increase:

Sheriff and Deputy Sheriff Group

Projected FYE 2011 Based on Current Rate

Expected Covered Payroll:	\$ 93,398,089
Current Contribution Rate:	17.88%
Total Contributions:	\$ 16,699,578

Projected FYE 2012 Based on Amended Rate

Expected Covered Payroll:	\$ 97,134,013
Amended Contribution Rate:	19.66%
Total Contributions:	\$19,096,547

Protection Occupation Group

Projected FYE 2011 Based on Current Rate

Expected Covered Payroll:	\$ 336,911,824
Current Contribution Rate:	16.59%
Total Contributions:	\$ 55,893,672

Projected FYE 2012 Based on Amended Rate

Expected Covered Payroll:	\$ 350,388,297
Amended Contribution Rate:	16.62%
Total Contributions:	\$ 58,234,535

For FY 2012, the employee contribution rate for Sheriffs and Deputies is 9.83% and the employer contribution rate is 9.83% for a total of 19.66%. The FY 2012 contribution rate for the Protection Occupation employees is 6.65% and for the employers is 9.97% for a total of 16.62%.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Pharmacy Board

ARC 9296B

Rule Summary Terminates proposed rules relating to pharmacy technicians.

Fiscal Impact No fiscal impact. The Board considered public comments and developed alternative proposed rules.

ARC 9297B

Rule Summary Identifies the technical functions that can be delegated to a pharmacy technician trainee or an uncertified pharmacy technician by a supervising pharmacist. Clarifies the functions that can be delegated to a pharmacy technician.

Fiscal Impact No fiscal impact. The Board retains fees that are collected from licensees to fund their operations.

ARC 9295B

Rule Summary Changes include the following:

- Adds pharmacy technicians, pharmacy support persons, and pharmacist-interns to those regulated individuals subject to activities identified as unethical conduct.
- Prohibits any purchasing pharmacy or pharmacist from engaging in any activity in a transaction for the sale or transfer of prescription records that would prevent or prohibit prior patient notification of a pending transfer of the patient's records.
- Permits a closing pharmacy to transfer prescription and patient records to a pharmacy that agrees to act as the custodian of the transferred records and that is subject to the same confidentiality standards of the originating pharmacy.
- Clarifies the applicable rule provisions in the event of a change of owner of a pharmacy.
- Provides for the responsibilities of the pharmacies when a pharmacy closes.

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

STAFF CONTACT: Deborah Thompson (Ext. 16764)

Department of Public Safety

ARC 9289B and 9283B

Rule Summary Conforms dispensing equipment for E-85 fuel rules with the State Fire Marshal requirements regarding notification of at least one dispenser listed for use with E-85 was commercially available. The order was published August 25, 2010.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

State Public Defender

ARC 9294B and 9293B

Rule Summary Clarifies and modifies attorney fee contracts in appellate cases and fee limitations.

Fiscal Impact Minimizes the fiscal impact of two recent Supreme Court decisions regarding indigent defense. The rules bring the State Public Defender into compliance with the two Supreme Court decisions, State v. Dudley in May 2009 and Simmons v. Iowa State Public Defender in November 2010. The Dudley case addressed recovery of restitution payments while the Simmons case dealt with attorney fee limits and contracts at the appellate level. The fiscal impact of the Simmons case is unknown as of December 2010 but is expected to be significant. The ruling impacts the current fee structure for indigent defense appeals, and may impact fixed fee contracts with Drake Law School, Linn County Advocate, and the Youth Law Center.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

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Environmental Protection Commission

ARC 9274B

Rule Summary Updates confinement feeding operations rules to conform with 2008 federal regulations pertaining to National Pollution Discharge Elimination System (NPDES) permits. Revises open feedlot rules and related NPDES rules as necessary to conform to the 2008 federal regulations.

Fiscal Impact Although the additional workload is unknown, the Department of Natural Resources estimates current staff will be sufficient to handle additional workload.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Human Services

ARC 9309B

Rule Summary Updates and clarifies eligibility for the Family Investment Program (FIP) and the Medicaid Program for persons that are not United States citizens.

Fiscal Impact No fiscal impact.

ARC 9312B

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

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

ARC 9313B

Rule Summary Implements the Iowans Helping Iowans 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 income 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 initial 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. The allocation has since been revised by the Department of Management to \$4.4 million.

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	ARC 9277B
Rule Summary	Makes the following changes related to resources for persons on Medicaid: <ul style="list-style-type: none">• Specifies that the residual beneficiary designation must apply to the extent of the amount of Medicaid paid for care of either the annuitant or the annuitant's spouse in a medical institution, not just for the care of the annuitant.• Provides that this restriction also applies to annuities where the spouse of a Medicaid applicant or member is the annuitant. (Other conditions for exemption apply only when the Medicaid applicant or member is the annuitant.)
Fiscal Impact	This change will result in a minimal savings to the Medicaid Program. .
	ARC 9314B
Rule Summary	Updates provider qualifications for the Medicaid Home and Community-Based Services (HCBS) Medicaid Program waivers.
Fiscal Impact	No fiscal impact.
	ARC 9276B
Rule Summary	Adds Assertive Community Treatment (ACT) to the eligible treatment services under the Iowa Medicaid Program.
Fiscal Impact	Minimal fiscal impact. Most Medicaid members are currently in the Iowa Plan, where ACT is an optional service paid by that Plan.
	ARC 9315B
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.
	ARC 9311B
Rule Summary	Removes all rules that permitted the Department of Human Services (DHS) to limit enrollment and establish a waiting list for Medicaid Home and Community-Based Habilitation Services.
Fiscal Impact	No fiscal impact. Enrollment for this waiver has never reached the enrollment limit.
	ARC 9316B
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 Program members.
Fiscal Impact	No fiscal impact.

ARC 9318B

Rule Summary Reorganizes, updates, and clarifies existing rules on admission procedures, communication with individuals, employment of individuals, alleged child abuse in the facility, approval of temporary home visits, tours of the facility, and public use of buildings and ground at the State Juvenile Home at Toledo and the State Training School at Eldora. Specific changes include:

- Adds more definitions of terms.
- Expands the list of persons denied visiting rights.
- Requires supervision of an adult family member during a visit by a family member under the age of 18 (previously age 12).
- Implements SF 340 (Adam Walsh Compliance Act) relating to sex offenders.
- Provides for guidelines for:
 - Population and criteria for accepting individuals.
 - Photographing and recording of individuals.
 - Recovery of the cost of care from individuals with unearned income.
 - Procedures for donations to the facility.
- Rescinds rules relating to program assignment and charges for the use of facility buildings and grounds.
- Rescinds rules relating to:
 - Detention.
 - Standards required for comprehensive residential facilities for children.
 - The Advisory Committee.
 - Risk assessment for sexual offenders.
 - Public notification on sexual offenders.

Fiscal Impact No fiscal impact. The revised rules reflect the new DHS administrative structure.

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

Architectural Examining Board

ARC 9260B

Rule Summary Requires Intern Development Program supervisors to respond to a request to verify experience hours for interns.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

City Development Board

ARC 9278B

Rule Summary Outlines notification requirements for a city's request when seeking the City Development Board's approval of a voluntary annexation application. Describes Board proceedings on voluntary annexation requests. Outlines the calculation of land area included without the consent of the owner. Addresses the failure to provide municipal services to severance of territory from a city. Outlines the election procedure if a petition of an involuntary boundary change is approved by the City Development Board Committee.

Clarifies public land and railway right-of-way process in annexation requests. Creates procedures for boundary adjustments between cities by petition and consent.

Fiscal Impact No fiscal impact to the State. Financial impact to the local governments with annexation changes are not typically known for several years.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

College Student Aid Commission

ARC 9271B

Rule Summary Changes the address for the Iowa College Student Aid Commission to reflect the move to the former Mercy Capitol Hospital. Changes the membership by eliminating the Iowa Student Loan Liquidity Corporation member, adding an individual that is repaying or has repaid a student loan guaranteed by the Commission, and specifying ex-officio members from each of the majority and minority parties of the Senate and House of Representatives.

Fiscal Impact No fiscal impact.

ARC 9272B

Rule Summary Eliminates an eligibility restriction for the Registered Nurse Recruitment Forgivable Loan Program that was replaced by the Registered Nurse Recruitment Loan Forgiveness Program. The original restriction ensured that applicants did not receive duplicate awards under the current program and the previous program and that is no longer necessary. Funding for the forgivable loan program ended in FY 2007.

Fiscal Impact No fiscal impact.

ARC 9273B

Rule Summary Eliminates an eligibility restriction for the Teacher Shortage Forgivable Loan Program that was replaced by the Teacher Shortage Loan Forgiveness Program. The original restriction ensured that applicants did not receive duplicate awards under the current program and the previous program and that is no longer necessary. Funding for the forgivable loan program ended in FY 2007.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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Engineering and Land Surveying Examining Board

ARC 9285B
Rule Summary Clarifies requirements of experience references for engineering licensure exam applicants.

Fiscal Impact No fiscal impact.

ARC 9286B
Rule Summary Clarifies quality requirements of references for engineering examination applicants.

Fiscal Impact No fiscal impact.

ARC 9288B
Rule Summary Updates the Structural Examination. The exam is being changed to a single 16-hour exam, and was previously two 8-hour exams.

Fiscal Impact No fiscal impact.

ARC 9287B
Rule Summary Specifies correct reference forms for comity (from other states) applicant references.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Iowa Finance Authority

ARC 9279B
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 has been modified since the rule was first noticed and is available at: <http://www.iowafinanceauthority.gov/index.cfm?nodeID=27866&audienceID=1>.

Fiscal Impact No fiscal impact.

ARC 9284B
Rule Summary Establishes 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 9280B
Rule Summary Creates the lowans Helping lowans Program that the Governor created in the 2010 Interim to assist homeowners affected by the disasters of 2010 by providing forgivable loans for residents to use as down payment assistance or home repair or rehabilitation.

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Fiscal Impact The IFA received an allocation of \$7.5 million from a Cash Flow Transfer for FY 2011, including administrative costs, for the Program. The transfer was part of a \$20.0 million transfer that included 75.0% from the Department of Human Services Cash Reserve Fund Medicaid appropriation and 25.0% from the DED Grow Iowa Values appropriation.

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. **ARC 9281B**

Fiscal Impact No fiscal impact.

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. **ARC 9282B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Kent Ohms (Ext. 52200) and Ron Robinson (Ext. 16256)

Professional Licensure Division – Department of Public Health

Rule Summary Board of Hearing Aid Dispensers: Clarifies the requirements for supervision reports by temporary permit holders. Removes the requirement for mailing renewal notices to licensees. Revises the continuing education requirements. **ARC 9317B**

Fiscal Impact No fiscal impact. The Board retains fees collected from licensees to fund their operations.

Rule Summary Board of Sign Language Interpreters and Translators: Removes the requirement for the Board to send a renewal notice to a licensee. **ARC 9259B**

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

STAFF CONTACT: Deborah Thompson (Ext. 16764)

Department of Revenue

ARC 9308B

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 The fiscal impact is unknown. This is no change to the rate established for the 2010 calendar year.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Secretary of State

ARC 9292B

Rule Summary Removes obsolete references to direct recording electronic devices (DREs) or voting machines. These devices are no longer used by counties and have been replaced with optical scan voting systems.

Fiscal Impact No fiscal impact

STAFF CONTACT: David Reynolds (Ext. 16934)

Department of Transportation

ARC 9290B

Rule Summary Adopts the revised federal Manual on Uniform Traffic Control Devices (MUTCD) that is issued by the Federal Highway Administration under 23 Code of Federal Regulations, Part 655, Subpart F. A final federal rule adopting the 2009 Edition of the MUTCD was published in the Federal Register in December 2009, replacing the 2003 edition. States must adopt the 2009 National MUTCD as their legal standard for traffic control devices within two years from that time. The MUTCD is the federal law governing all traffic control devices and non-compliance can result in loss of federal funds. Iowa Code Section 321.252 requires the Department of Transportation to adopt a manual and specifications for a uniform system of traffic control devices for use on highways within the State. According to the DOT, implementation of new devices will only be required when existing devices are in need of replacement or at the end of a compliance period that covers the expected life cycle of the existing devices.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Marcia Tannian (Ext. 17942)
