



ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

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.

UTILITIES DIVISION - DEPARTMENT OF COMMERCE

ARC 6547B

Rule Summary Relates to notification and reporting to the Board by utilities when incidents, outages, and accidents that affect utility usage occur. Requires electric utilities to provide notification when incidents affect 3,600 customers in a metropolitan area or 20.0% in a utility's zone or area for two hours or more. Requires the Board to maintain confidentiality for information provided in an electronic format from certain communication providers.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF CORRECTIONS

ARC 6538B

Rule Summary Adopts provisions of the Department of Administrative Services (DAS) rules for procurement of goods and services.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

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DEPARTMENT OF PUBLIC SAFETY

ARC 6567B
Rule Summary Replaces outdated rules regarding the safe transportation, storage, and use of liquefied natural gas with updated requirements.

Fiscal Impact No fiscal impact.

ARC 6544B and ARC 6543B
Rule Summary Amends current rules regarding the collection of urine samples to clarify and update procedures. ARC 6543B was filed emergency.

Fiscal Impact No fiscal impact to the State and there may be a minimal fiscal impact to agencies collecting samples for the acquisition of collection kits.

ARC 6536B and ARC 6535B
Rule Summary Implements rules for the Electrician and Electrical Contractor Licensing Program, that requires persons performing electrical work in Iowa, with certain exceptions, to be licensed by the State. ARC 6576B was filed as emergency rules.

Fiscal Impact The number of licensees to be processed is unknown; however, as of January 24, 2008, there have been approximately 6,400 applications processed. Application fees have generated approximately \$1.1 million had been deposited into the Electrician and Installer Fund. The Fire Marshal's Office provided the start-up costs for this Program which will be returned from the fees generated. The amount of expenditures by the Office is not yet available.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

NATURAL RESOURCE COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 6540B
Rule Summary Implements rules for a priority list of watersheds above publicly owned lakes. Streamlines the application process for private landowners to receive Soil Conservation Cost Share funding for approved soil and water conservation practices.

Fiscal Impact No fiscal impact.

ARC 6541B
Rule Summary Simplifies scoring criteria for Resource Enhancement and Protection (REAP) Fund grants. Specifies a valid county REAP Fund plan must be accompanied with all REAP Fund grant applications.

Fiscal Impact No fiscal impact.

ARC 6539B
Rule Summary Modifies rules related to kayaks due to increased kayaking at night. This change affects watercraft on natural lakes, Corps of Engineers impoundments, border rivers, and impoundments on inland rivers.

Fiscal Impact No fiscal impact.

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ARC 6532B
Rule Summary Extends the deer season for resident deer hunters with a valid license for regular gun season (shotgun 1 or shotgun 2). Hunters can harvest only antlerless deer during December 21 through 23, 2007. Also extends the late muzzleloader deer season by adding three days to the current season, January 11 through 13, 2008.

Information obtained by the Department of Natural Resources (DNR) indicates the 2007 hunting season harvested approximately 13,000 deer less than the number reported last year.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

IOWA PROPANE EDUCATION AND RESEARCH COUNCIL

ARC 6554B and ARC 6553B
Rule Summary Establishes the Iowa Propane Education and Research Council as enacted in HF 556 (Petroleum Council Act).

Fiscal Impact No fiscal impact to the State. The Council is funded by one-tenth of one cent from each gallon of propane sold. An estimated \$350,000 is expected to be generated.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

DEPARTMENT OF PUBLIC HEALTH

ARC 6572B
Rule Summary Requires the contractors providing services within the Healthy Opportunities for Parents to Experience Success – Healthy Families Iowa (HOPES-HFI) Program to be accredited by the Healthy Families America (HFA) national program.

Fiscal Impact No fiscal impact. The affected contractors already meet this requirement through the Request for Proposal (RPF) process when contracts are awarded.

ARC 6573B
Rule Summary Creates an Interagency Coordinating Council for the State Medical Examiner. Provides the membership, duties, purpose, and meeting requirements.

Fiscal Impact No fiscal impact. The members of the Council already meet in this manner.

ARC 6574B
Rule Summary Creates an Advisory Council for the State Medical Examiner. Provides the purpose, membership, duties, and meeting requirements for the Council.

Fiscal Impact No fiscal impact. This creates a formal group that already meets in a similar manner.

ARC 6575B
Rule Summary Modifies the timeframes for applications to the Department for grants and awards.

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Fiscal Impact Minimal savings resulting from elimination of appeals based on submission of late applications.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

DEPARTMENT OF REVENUE

Rule Summary Clarifies changes to existing tax laws and removes rules that are no longer applicable or are obsolete relating to various taxes. **ARC 6585B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF HUMAN SERVICES

Rule Summary Makes technical changes to documentation requirements for Medicaid providers. **ARC 6566B**

Fiscal Impact No fiscal impact.

Rule Summary Changes the eligibility criteria for Risk Pool assistance for counties that are in need of mental health, mental retardation, and developmental disability services funds. **ARC 6534B**

Fiscal Impact No fiscal impact.

Rule Summary Updates the minimum disability services data that counties must submit annually to the Department. **ARC 6533B**

Fiscal Impact No fiscal impact.

Rule Summary Implements a mini-simplified Food Stamp Program that allows Iowa to take advantage of an option allowed under federal food stamp regulations. The option provides a different number of work hours to allow Temporary Assistance for Needy Families (TANF) to satisfy federal work participation requirements. **ARC 6561B**

Fiscal Impact No fiscal impact.

Rule Summary Amends newborn eligibility rules to include children of mothers that are eligible only for emergency Medicaid services. Amends the citizenship rule to use an affidavit form requiring client signature for documentation of citizenship and identity. **ARC 6562B**

Fiscal Impact Minimal fiscal impact.

Rule Summary Adds provisions to allow a supplemental personal needs allowance for Medicaid residents of an Intermediate Care Facility for the Mentally Retarded (ICF/MR) or an **ARC 6586B**

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Intermediate Care Facility for the Mentally Ill (ICF/MI) that have less than \$50 a month available. This change accommodates the supplemental payment if funding is specifically appropriated by future legislation.

Fiscal Impact No fiscal impact until legislation is enacted. The estimate for the supplemental amount is \$128,000 from the General Fund.

ARC 6563B

Rule Summary Clarifies that Medicaid coverage of certain prescribed outpatient drugs is allowed for a maximum of a 31-day supply.

Fiscal Impact No fiscal impact.

ARC 6542B

Rule Summary Terminates rules that have been included in another Notice of Intended Action proposing a reorganization of Medicaid rules on coverage of outpatient drugs.

Fiscal Impact No fiscal impact.

ARC 6564B

Rule Summary Expands Medicaid to cover dental sealants, fillings, and crowns with prior approval by DHS.

Fiscal Impact It is estimated that this will have a greater initial cost; possible savings could occur in the future by avoiding more costly dental procedures. The changes are estimated to cost \$197,000 in FY 2008 and \$38,000 in FY 2009. No funding for this coverage has been provided by the General Assembly.

ARC 6565B

Rule Summary Increases the Medicaid Program upper payment limit for inpatient services in a Psychiatric Medical Institution for Children (PMIC) from \$160.71 per day to \$165.53 per day, as required by HF 909 (FY 2008 Health and Human Services Appropriation Act).

Fiscal Impact This change is estimated to cost the State \$254,000 per year. Funding was provided in HF 909 (FY 2008 Health and Human Services Appropriations Act).

ARC 6546B

Rule Summary Makes technical changes to the rules governing the administration of federal Social Services Block Grant (SSBG) funds. The changes are technical and required by federal regulation.

Fiscal Impact No fiscal impact.

ARC 6583B

Rule Summary Provides for a start-up cost allowance for youth in the Preparation for Adult Living (PAL) Program. The Department has been providing this allowance through the Exception-to-Policy provision.

Fiscal Impact The maximum start-up allowance is \$559 per participant. The total estimated cost is \$83,850 if each of the 150 youths accept the start-up cost allowance. The

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Department is absorbing the cost within the FY 2008 General Fund appropriation for the PAL Program.

STAFF CONTACT: Jess Benson (Ext. 14611) Sue Lerdal (Ext. 17794)

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DEPARTMENT OF EDUCATION

ARC 6531B

Rule Summary Clarifies that a student re-enrolling after dropping out does not have immediate eligibility for interscholastic athletics if the student was failing one or more courses prior to dropping out. Prohibits schools from allowing students to compete without reasonably reliable proof of eligibility. Clarifies participation of foreign exchange students in interscholastic athletics and other provisions.

Fiscal Impact No fiscal impact.

ARC 6530B

Rule Summary Aligns Iowa Vocational Rehabilitation Services (IVRS) rules with those of the Department of Economic Development and the Iowa Finance Authority (IFA). Small business services are now part of the Entrepreneurs with Disabilities Program affiliated with IFA.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DENTAL BOARD

ARC 6569B

Rule Summary Requires a dentist to be physically present in the treatment room for intraoral and chairside services of a dental assistant. Permits registered dental assistants to take dental radiographs under the supervision of a dentist. Clarifies the certification and experience requirements for a dental assistant.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

DEPARTMENT OF ELDER AFFAIRS

ARC 6548B

Rule Summary Clarifies the complaint and contested case procedures and adds a severability clause. These changes will align the rules with Chapter 17A, Code of Iowa.

Fiscal Impact No fiscal impact.

ARC 6549B

Rule Summary Clarifies the procedure for appealing decisions of subproject sponsors related to enrollees and removes an obsolete word in the reference to the Director of the Department of Elder Affairs. Brings the Administrative Rule Chapter into compliance with State and federal law changes.

Fiscal Impact No fiscal impact.

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Rule Summary Changes references to waiver language and adds a severability clause. **ARC 6550B**

Fiscal Impact No fiscal impact.

Rule Summary Establishes informal settlement and contested case procedures. **ARC 6551B**

Fiscal Impact No fiscal impact.

Rule Summary Establishes a procedure to handle requests for informal review of specific circumstances and clarifies procedures for the issuance of declaratory orders. **ARC 6552B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Shipman (Ext. 14617)

IOWA EMPOWERMENT BOARD

Rule Summary Addresss the role and programs of the Business Community Investment Advisory Council (BCIAC) established by statute in 2006. Specifies that funds in the Community Empowerment Gifts and Grants account are intended to support the BCIAC First Years First Program. **ARC 6584B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

OFFICE OF ENERGY INDEPENDENCE

Rule Summary Makes minor clarifying changes in response to public comment. The changes outline the potential cost sharing requirements for applicants to the Iowa Power Fund. **ARC 6577B**

Fiscal Impact The Iowa Power Fund received a \$25.0 million General Fund appropriation each year for the period FY 2009 through FY 2011. The Fund also received an FY 2007 General Fund supplemental appropriation of \$24.7 million in HF 927 (Iowa Power Fund Appropriations Act). The Office of Energy Independence is permitted to use 1.5% of the amount appropriated from the Iowa Power Fund for administrative costs.

STAFF CONTACT: Deborah Helsen (Ext. 16764) Ron Robinson (Ext. 16256)

DEPARTMENT OF INSPECTIONS AND APPEALS

Rule Summary Requires hospitals to establish procedures to authenticate, within 30 days, verbal orders of a practitioner following a patient's discharge from a hospital. **ARC 6557B**

Fiscal Impact No fiscal impact.

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ARC 6560B

Rule Summary Clarifies that a resident may be seen and treated by health care professionals, other than the resident's personal physician, if the practitioners are working in collaboration with the resident's physician. Health care professionals include advanced registered nurse practitioners, clinical nurse specialists, and physician assistants.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH

ARC 6545B

Rule Summary Board of Mortuary Science: Conforms for consistency with the current practice of mortuary science. Includes "funeral establishments" and "cremation establishments" within the regulations. Limits independent study continuing education credits.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

DEPARTMENT OF PUBLIC HEALTH - NO REPRESENTATION REQUIRED

ARC 6559B and ARC 6558B

Rule Summary Provides a \$500 work-related deduction from eligibility income calculations for the AIDS Drug Assistance Program (ADAP).

Fiscal Impact The total estimated annual cost is \$250,000 for the 25-30 individuals expected to be eligible. An increase in the federal Ryan White Part B Grant and the federal ADAP supplemental award will provide funds for the increased cost.

ARC 6578B

Rule Summary Rescinds outdated milk and milk product regulations.

Fiscal Impact No fiscal impact.

ARC 6570B

Rule Summary Permits the Department of Public Health to revoke or withhold a swimming pool or spa registration.

Fiscal Impact No fiscal impact to the State. Operators may be impacted by temporary closures and appeal costs.

ARC 6579B

Rule Summary Rescinds outdated garbage and refuse collection and disposal regulations.

Fiscal Impact No fiscal impact.

ARC 6580B

Rule Summary Rescinds outdated minimum housing sanitation regulations.

Fiscal Impact No fiscal impact.

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ARC 6581B
Rule Summary Rescinds outdated minimum construction requirements for tourist, trailer, cabin, and construction camps.

Fiscal Impact No fiscal impact.

ARC 6582B
Rule Summary Rescinds outdated minimum sanitation requirements for gatherings of 1,000 or more people for at least 12 hours at a location not developed for mass gathering events.

Fiscal Impact No fiscal impact.

ARC 6571B
Rule Summary Permits the Department of Public Health to share contact information of those participating in the federal Women, Infants, and Children (WIC) Program with other programs within the Department.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

RACING AND GAMING COMMISSION – DEPT. OF INSPECTIONS AND APPEALS

ARC 6576B
Rule Summary This rule makes the following changes:

- Changes due dates for licensee weekly and monthly reports to the Racing and Gaming Commission.
- Updates horse racing rules to reflect national uniformity.
- Increases the number of Commission-designated independent gambling product testing facilities to two.
- Requires the cash payout of a prize be at least 75.0% of the fair market value of the merchandise or item of value offered as a prize.
- Requires gambling establishments to post the actual aggregate payout of the entity's slot machines in public view.
- Requires a progressive jackpot removed from one machine be placed in another machine within 30 days.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

REAL ESTATE APPRAISER EXAMINING BOARD – DEPARTMENT OF COMMERCE

ARC 6568B
Rule Summary Makes the following changes:

- Designates the National Registry of the Appraisal Subcommittee as the primary source for determining good standing in the State of Iowa.
- Adds a work product review to the requirements for reciprocal applicants. Increases the fee needed to process these reviews.
- Increases the fees to administer the new version of the qualifying examination.
- Establishes a fee for temporary practice permits.

Fiscal Impact Approximately 200 applicants may apply for a work product review annually. This rule increases the fee by \$350 generating an increase in annual revenue of \$70,000.

Approximately 75 applicants apply for temporary practice annually. This rule implements a fee of \$150 generating an annual increase in annual revenue of \$11,250.

Of the total increases in revenue for this rule, the Board retains 85.0% or \$69,000, and State General Fund revenue would increase by an estimated \$12,000 annually.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

SECRETARY OF STATE

ARC 6537B

Rule Summary Revises existing rules to reflect HF 653 (Voter Registration Act) regarding acceptable identification documents for voters to submit at the polls. Prescribes the form of notice to be sent to election-day registrants if the U.S. Postal Service returns their acknowledgement notices.

Fiscal Impact No fiscal impact.

ARC 6556B

Rule Summary Updates references to incorporate changes to referendums on local sales and services tax for school infrastructure funding. The changes include:

- References to elections that extend the time period a tax will be collected.
- Corrections to obsolete sections of the Code of Iowa.
- Requires petitions, motions, and the ballot language to be limited to a single subject.
- Adds instructions for collecting the necessary information for a local option sales and services tax for school infrastructure projects, when a board of supervisors initiates the election.

Fiscal Impact No fiscal impact.

ARC 6555B

Rule Summary Incorporates the new provisions for gambling structures to conform with SF 263 (Gambling Games on Gambling Structures Act).

Fiscal Impact No fiscal impact.

STAFF CONTACT: David Reynolds (Ext. 16934)
