



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

April 4, 2014

Iowa Code section 17A.4(4) 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).

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*Agencies highlighted in yellow have one or more rules with a fiscal impact of \$100,000 per year or more.

Department of Human Services

ARC 1385C

Rule Summary Implements policies that allow the Department of Human Services (DHS) to start a new ineligibility period for participants accessing Family Investment Program (FIP) benefits with an electronic access card at a prohibited location when:

- A recipient timely appeals the notice of decision establishing the ineligibility period.
- Assistance is continued pending the final decision of the appeal, and the DHS action is affirmed.
- Assistance issued pending the final decision of the appeal is not subject to recovery.

These amendments also change the name of form 470-0462 to Financial Support Application and remove the requirement that everyone in the eligible group apply for and accept health or medical insurance when it is available at no cost or when the cost is paid by a third party.

Agency Stated Authority: Iowa Code section 239B.4(6).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1352C

Rule Summary Implements the January 1, 2014, cost of living increases to several State Supplementary Assistance categories.

Agency Stated Authority: Iowa Code section 234.6.

Fiscal Impact

Agency Response: This change is estimated to increase General Fund expenditures by \$81,000 in FY 2014 and \$168,000 in FY 2015. Annual cost of living increases are required by federal law.

LSA Response: Cost of living increases were provided for the following categories:

- Residential Care Facility (RCF) is increasing from \$29.30 to \$29.66 per bed day.
- Personal Needs Allowance for RCFs is increasing from \$98.00 to \$100.00 per month.
- Dependent Person payment is increasing by \$6.00 per month and the maximum from \$364.00 to \$370.00.
- Family Life Home monthly payment to the family is increasing \$9.00 per month from \$774.00 to \$783.00. The State Supplementary Income Program is increasing from \$710.00 to \$721.00 minus a \$2.00 deduction and the personal needs allowance is increasing by \$2.00 from \$98.00 to \$100.00.

ARC 1353C

Rule Summary

Implements provisions of the Individual Assistance Grant program by an entity contracted by the Department as the result of a disaster. The Department will establish contracts for service for local provision of assistance to individuals affected by Governor-designated disaster events.

Agency Stated Authority: Iowa Code chapter 29C.

Fiscal Impact

Agency Response: The fiscal impact to the General Fund is estimated to be between \$19,000 and \$42,000 annually for additional administrative costs. The organization or organizations that choose to submit bids in the request for proposal process for the statewide contract must include a percent to cover both their own administrative costs and the administrative costs of any local subcontractors. No increase or decrease in state costs is assumed for the DHS inspecting damaged property or for adding a new category of allowable home repair expenses.

LSA Response: The LSA concurs. The total spending on this program for Governor designated disasters in recent years was:

- FY 2010 - \$690,000
- FY 2011 - \$471,000
- FY 2012 - \$699,000

ARC 1354C

Rule Summary

Allows Iowa to process eligibility determinations for the Iowa Health and Wellness Program (IHAWP) for current IowaCare members based on income verified via Food Assistance applications, income verified on Medicaid cases associated with the IowaCare member, Iowa Workforce Development (IWD) wage and unemployment insurance benefits, and income data received from the Income and Eligibility Verification System (IEVS) from the federal government.

Agency Stated Authority: Iowa Code section 249A.4 and Senate File 446, section 185.

Fiscal Impact

Agency Response: No fiscal impact.

LSA Response: The IHAWP is paid for with 100.0% federal dollars in the first three years of the Program and transitioning IowaCare members in this manner may save staff resources.

ARC 1368C

Rule Summary Adopts amendments to comply with the Patient Protection and Affordable Care Act that amends the current Health Insurance Payment Plan (HIPP) statute. These amendments also eliminate obsolete references to the IowaCare program and Medicare supplemental policies.

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** Minimal fiscal impact. This change could result in additional costs since there will no longer be a tool to enforce cooperation with the HIPP Program. However, any additional costs are expected to be minor. There were no HIPP sanctions imposed in FY 2013 so the elimination is not expected to result in significant cost increases.

LSA Response: The LSA concurs.

ARC 1355C

Rule Summary Adds language to define overuse of Medicaid services and allows the Department to restrict lock-in Medicaid services to only those provided by a designated provider when the Department has determined that a Medicaid member has overused Medicaid services.

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: This Program is already implemented and reinstates a rule that was inadvertently omitted from a previous rule.

ARC 1356C

Rule Summary Allows Iowa to keep the current Family Planning eligibility system until June 30, 2014. Iowa submitted a request to the federal government to keep the Family Planning System separate from the new Medicaid eligibility system due to the time constraints of developing a new medical assistance eligibility system to process applications required under the Affordable Care Act. The Family Planning System will continue to process applications under non-Modified Adjusted Gross Income (MAGI) determinations.

Agency Stated Authority: Iowa Code section 249A.4 and Senate File 446, section 7(6).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: This rule change will result in a six-month continuation of current income determination processes for the Iowa Family Planning Waiver. The continuation of existing practices results in no additional fiscal impact.

ARC 1417C

Rule Summary Increases premiums for applicants and recipients under the Medicaid for Employed People with Disabilities (MEPD) Program with income that exceeds 150.0% of the federal poverty level (FPL).

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** This change in premiums is estimated to reduce General Fund expenditures by \$54,000 in FY 2015 and \$117,000 in FY 2016.

LSA Response: The LSA concurs.

ARC 1415C

Rule Summary

Makes the following changes:

- Increases the statewide average cost of nursing facility services to a private-pay person. The figure is being revised to reflect the increase in the cost of private pay rates for nursing facility care in Iowa. The change is not related to rates paid by Medicaid for nursing facility care. The figure is used to determine a period of ineligibility when an applicant or recipient transfers assets for less than fair market value. When assets are transferred to attain or maintain Medicaid eligibility, the individual is ineligible for Medicaid payment of long-term care services. The period of ineligibility is determined by dividing the amount transferred by the statewide average cost of nursing facility services to a private-pay person.
- Updates the average charges for nursing facilities, psychiatric medical institutions for children (PMICs), and mental health institutes (MHIs) that are used to determine the disposition of the income of a Medical Assistance Income Trust (MAIT).

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact

Agency Response: Minimal fiscal impact. The average private pay cost increases for persons that transfer assets and apply for Medicaid and the change in the average charge rate for a person with a Miller Trust are occurrences that take place each year. Any past increase in these charges were included in the rate per bed day for July 1, 2013.

LSA Response: Any increases in Medicaid costs will be built into the Medicaid budget projections.

ARC 1416C

Rule Summary

Updates the maximum Medicaid rate for intermediate care facilities for individuals with intellectual disabilities (ICFs/ID), that are used to determine the disposition of the income of a MAIT.

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact

Agency Response: Minimal fiscal impact. The reduction in the average monthly charge may allow fewer individuals to qualify for medical assistance with a MAIT. Therefore, any fiscal impact will be a net savings to the Medicaid program.

However, little impact is expected as individuals in ICFs/ID are unlikely to have to establish Medicaid eligibility through use of a MAIT.

LSA Response: The LSA concurs.

ARC 1391C

Rule Summary

Removes the specific dollar amount and effective date of the pharmacy professional dispensing fee while requiring the fee to be set by a schedule determined through surveys of dispensing costs.

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact

Agency Response: No fiscal impact. This change is strictly for removal of the dispensing fee dollar amount and effective date from the rule language while

retaining the fee and effective date on the Medicaid website fee schedule. This rule makes no changes to the methodology that will be used to determine the dispensing fee so there will be no fiscal impact.

LSA Response: The LSA concurs.

ARC 1366C

Rule Summary

The rule makes the following changes:

- Requires Brain Injury (BI) Waiver providers and employees providing direct care to complete the Department's online brain injury training.
- Removes the cost of case management, home and vehicle modifications, specialized medical equipment and environmental modifications, adaptive devices, and therapeutic resources from the total monthly cost of services.
- Removes the age limit from the BI Waiver enabling members to continue services through the Waiver beyond age 65.

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact

Agency Response: Minimal fiscal impact for item one. Additional work is required to maintain the training site and track training completion, but this is not expected to increase costs.

The service limit changes addressed in item two will increase the funds members have available for direct services each month. However, the fiscal impact of this change is expected to be very minimal due to the following:

- Policy staff confirmed that direct services are not currently limited when the cost of the services addressed in this rule change cause a member to exceed their monthly waiver cap. Instead, exceptions to policy are granted to exceed the monthly cap so that direct services can be maintained.
- Services must be authorized through an approved service plan. While this change may create more room under a member's monthly cap, they can only access those services that are already authorized by their service plan.

No fiscal impact is expected from item three because age limit exceptions are already being granted via the exception to policy process. In addition, waiver enrollment is capped so this will not affect the number served, even if this change results in individuals remaining on the BI Waiver for a longer period of time.

LSA Response: The LSA concurs.

ARC 1357C

Rule Summary

Updates uniform child support guidelines and criteria to conform to Iowa Supreme Court guidelines changes, a statutory change regarding Administrative Paternity adopted in 2012, and other technical changes related to establishment and modification of child support. The Federal Family Support Act of 1988 requires each state to maintain uniform child support guidelines and criteria, and to review the guidelines and criteria at least once every four years. The Iowa General Assembly has entrusted the Iowa Supreme Court with this responsibility.

Agency Stated Authority: Iowa Code sections 217.6, 252B.3(3), and 252H.4(4).

Fiscal Impact

Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

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ARC 1365C

Rule Summary Revises the Child Care Assistance (CCA) fee chart based on newly issued federal government poverty levels.

Agency Stated Authority: Iowa Code section 234.6.

Fiscal Impact **Agency Response:** No fiscal impact because this rule change will not increase caseloads. The change will only allow families that have received increased income to maintain their current fee level.

LSA Response: The LSA concurs that there will be no fiscal impact for the rules.

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Economic Development Authority

ARC 1380C

Rule Summary Establishes a new chapter that describes the application process, eligibility requirements, and administration of the Iowa Tourism Grant Program. Previously, tourism grants were awarded through three regional tourism associations through a contract with the Iowa Economic Development Authority. The proposed language creates a standardized statewide program.

Agency Stated Authority: Iowa Code section 15.106A.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: No fiscal impact.

ARC 1373C

Rule Summary Updates the existing Targeted Jobs Withholding Tax Credit Program in the following ways:

- Updates and adopts new definitions.
- Requires the IEDA to be a party to withholding agreements.
- Allows the IEDA to negotiate the amount of credits awarded and the duration of withholding agreements.
- Extends the sunset date for the program to June 30, 2018.
- Requires the IEDA Board to approve or deny new agreements and outlines the conditions that may result in an agreement being denied.
- Sets a performance period for both retained jobs and created jobs and clarifies the conditions when a program can be terminated.
- Specifies the elements that must be included in local development agreements.
- Requires pilot project cities to submit an annual report to the IEDA.

Agency Stated Authority: Iowa Code sections 15.106A, 2013 Iowa Acts SF 433 (Targeted Jobs Withholding Changes Act), and 2012 Iowa Acts chapter 1018 (SF 2212 Economic Development—Miscellaneous Changes Act).

Fiscal Impact **Agency Response:** Fiscal impact cannot be determined. While it is likely that the amount of withholding credits will decrease now that the IEDA has the ability to negotiate the amount of withholding tax credits awarded, there is insufficient data for agreements entered into since the end of FY 2013 to make an accurate prediction.

LSA Response: Extending the pilot project five years and expanding it to businesses located outside of urban renewal areas will increase the diversion of

withholding tax deposits from the State General Fund by an estimated \$154.7 million over 15 fiscal years, beginning in FY 2014 and extending through FY 2027. (https://www.legis.iowa.gov/DOCS/FiscalNotes/85_1661SZv0_FN.pdf)

General Fund Revenue Reduction Due to Withholding Tax Diversion					
In millions of dollars, total = \$ -154.7 million					
FY 2014	\$	-1.0	FY 2021	\$	-17.3
FY 2015		-3.1	FY 2022		-17.3
FY 2016		-6.4	FY 2023		-17.2
FY 2017		-9.8	FY 2024		-14.1
FY 2018		-13.5	FY 2025		-10.8
FY 2019		-16.0	FY 2026		-7.3
FY 2020		-17.3	FY 2027		-3.6

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Department of Education

ARC 1409C

Rule Summary Consolidates two sections of rules that were split because of past bus bidding practices in the state. Previously, the bus chassis was bid separately from the remainder of the bus so rules were split for both areas of the bus. Now, the common practice is for bus bids to be submitted comprehensively and these rules reflect that comprehensive change. Updates are also made to reflect current technology and practice.

Agency Stated Authority: Iowa Code section 256.7(5).

Fiscal Impact **Agency Response:** This is an update to current regulations for the purchase and maintenance of school buses in the state. The purchase and maintenance are completed at the local level. The State regulation of buses will remain the same regardless of whether these rules pass or not. There is no fiscal impact to the local level.

LSA Response: No fiscal impact.

ARC 1394C

Rule Summary Updates rules to reflect new requirements for awarding and maintaining grant status under the Shared Visions Program. Reporting requirements, program eligibility, termination procedures, and other related application measures are in this update.

Agency Stated Authority: Iowa Code section 256.7(5).

Fiscal Impact **Agency Response:** The same funds are merely distributed differently.

LSA Response: No fiscal impact.

ARC 1396C

Rule Summary Increases the age of at-risk children whose parents may participate in the Shared Visions Program from birth through age five. Criteria are modified in the grant Program for both application and continuation of a grant.

Agency Stated Authority: Iowa Code section 256.7(5).

Fiscal Impact **Agency Response:** This is a change in eligibility for access to the funds in the program but the overall program funds remain unchanged, with or without changes to the rule.

LSA Response: No fiscal impact.

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Board of Educational Examiners

ARC 1378C

Rule Summary Allows the Board of Educational Examiners discretion to set a case for hearing for probable cause of a violation of the Code of Professional Conduct and Ethics. Factors are included for the Board to consider in deciding whether to set a case for hearing.

Agency Stated Authority: Iowa Code section 272.2.

Fiscal Impact **Agency Response:** The proposed amendment will not require any State expenditure.

LSA Response: No fiscal impact.

ARC 1374C

Rule Summary Aligns Board of Educational Examiners rules, regarding minimum Grade Point Average (GPA) requirements for a teacher intern license, to the Department of Education language. Current Board rules state there is a minimum bachelor's degree GPA requirement for a teacher intern license to be issued. Chapter 77 rules within the Department of Education address GPA for admission to the program, and the rules make an allowance that candidates may be admitted conditionally if they have not met the minimum GPA.

Agency Stated Authority: Iowa Code section 272.2.

Fiscal Impact **Agency Response:** The amendment will not require any state expenditures and will not significantly increase licensing fees received by the agency.

LSA Response: No fiscal impact.

ARC 1379C

Rule Summary Adds an experience requirement to convert the Initial School Administration Manager Authorization to a Standard School Administration Manager Authorization. Requires applicants to meet the competencies and skills verification required by the supervising administrator. Aligns the conversion requirements to requirements to convert an initial teaching or initial administrator license.

Agency Stated Authority: Iowa Code section 272.2.

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Fiscal Impact **Agency Response:** The amendment will not require any state expenditures or cause a significant change in Board of Educational Examiners licensing revenue.

LSA Response: No fiscal impact.

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Environmental Protection Commission

ARC 1370C

Rule Summary Provides water quality certification pursuant to Section 401 of the federal Clean Water Act for the reissuance of U.S. Army Corps of Engineers' Regional Permit 7. The Regional Permit 7 authorizes work associated with road crossings, such as bridges and culverts.

The Corps issued a public notice of intent to reissue on July 3, 2013. Changes include the 2008 EPA/Corps Mitigation Rule as well as revising some of the conditions for an individual permit for bridge or road crossings. The Corps is also incorporating the Iowa Department of Transportation's standard temporary bridge and road crossing provision into the permit.

Agency Stated Authority: Iowa Code sections 455B.105 and 455B.173.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: No fiscal impact. The 2008 Mitigation Rule was finalized on April 10, 2008, and is a joint rule between the federal Environmental Protection Agency and the U.S. Army Corps of Engineers. The rule details how compensatory mitigation will be provided for unavoidable impacts to wetlands and streams.

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Ethics and Campaign Disclosure Board

ARC 1390C

Rule Summary Prohibits campaign contributions from a Limited Liability Company (LLC), a Limited Liability Partnership (LLP), or any other organization that does not file articles of incorporation, that has one or more corporate members, as specified in Iowa Code section 68A.503.

This rule is identical to the one published on September 18, 2013, as ARC 1020C.

Agency Stated Authority: Iowa Code section 68B.32A(1).

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: The LSA concurs.

ARC 1389C

Rule Summary Limits a complainant to 20 pages of supporting documents per complaint. Once an investigation is ordered, the Board may request additional documentation.

This rule change is identical to the one published on September 18, 2013, as ARC 1019C.

Agency Stated Authority: Iowa Code section 68B.32A(1).

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: The LSA concurs.

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Department of Inspections and Appeals

Rule Summary Clarifies the parameters an assisted living program or adult day service must follow to avoid licensure as a food establishment. **ARC 1376C**

These amendments are identical to those published under Notice of Intended Action on January 22, 2014, as ARC 1291C.

Agency Stated Authority: Iowa Code chapters 137F, 231C, and 231D.

Fiscal Impact **Agency Response:** No fiscal impact to the State. Adoption of the rules may reduce costs for assisted living programs and adult day service providers, as they will no longer be required to obtain licensure as a food establishment under certain circumstances.

LSA Response: There is a trend for counties and municipalities to turn over food inspections to the Department of Inspections and Appeals (DIA). These rules will help insure the DIA or local agencies do not have additional unnecessary inspections.

Rule Summary Creates a special license classification for residential care facilities with memory care for individuals with dementia-related illnesses. The rules provide for: **ARC 1413C**

- Identifies a distinct area of the facility or the whole facility for memory care.
- Application requirements:
 - DIA developed forms.
 - Plans for facility modifications. For a locked unit or facility, all locking devices must meet the life safety code and any requirements of the State Fire Marshal. An unlocked facility must provide a system of security monitoring.
- A résumé of the program of care describing the population served, philosophy, transfer criteria, staffing plan, visitor, volunteer, and safety policies, and other such elements.
- Written policies and procedures including admission, staffing, safety, visitors, and monitoring.
- A complete assessment of physical, mental, social, and behavioral status to determine if the applicant meets admission criteria.
- Training for staff.

Agency Stated Authority: Iowa Code sections 135C.14 and 135C.2(3)(b).

Fiscal Impact **Agency Response:** There is no cost to the State as a result of adopting these rules. Fiscal impact for facilities cannot be determined. It is unknown how many residential care facilities may obtain the special memory care license classification. Also unknown is the cost to the facilities to make any necessary structural changes to accommodate residents with early-onset dementia. Some facilities may be able to immediately admit residents without having to create locked units. The decision whether to admit residents with early-onset dementia is left to the facilities as this change is not mandatory.

LSA Response: The special license classification will not significantly affect the DIA’s workload. Memory care inspections will be handled during regular inspections and there will be no additional fees for a memory care unit. The process will be very similar to that for nursing facilities that have a Chronic Confusion Dementing Illness (CCDI) license. Nursing facilities with a CCDI license pay no additional fee for the “special license,” and the CCDI inspection is performed at the same time the nursing facility is inspected.

ARC 1398C

Rule Summary

Makes the following changes to DIA rules:

- Deletes the definitions of “alcoholic” and “drug addiction.”
- Increases the time a provisional nursing facility administrator may be appointed on a temporary basis from 6 to 12 months.
- Prohibits an administrator from being absent from the nursing facility for more than three months without approval of the DIA.
- Increases the minimum age of a person responsible for the facility in the absence of the administrator from 18 to 21 years.
- Clarifies that private-pay residents must be visited by or must visit their physician at least twice a year.
- Makes other clarifications.

These rules are identical to those published on February 5, 2014, as ARC 1313C.

Agency Stated Authority: Iowa Code sections 135C.14 and 135C.36.

Fiscal Impact

Agency Response: No impact to the State.

LSA Response: The LSA concurs.

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Child Advocacy Board

ARC 1375C

Rule Summary

Establishes standards for selection and screening of volunteers, pre-service training, ongoing education, and assignment and supervision of volunteers for the Court Appointed Special Advocate (CASA) Program.

Agency Stated Authority: Iowa Code section 237.18

Fiscal Impact

Agency Response: No fiscal Impact

LSA Response: The LSA concurs that there will be no fiscal impact for the rules. The rule changes formalize informal requirements.

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Iowa Finance Authority

ARC 1400C

Rule Summary

Adopts rules for programs from the former Iowa Agricultural Development Authority that was moved to the Iowa Finance Authority (IFA). Creates the Agricultural Development Division within the IFA.

Agency Stated Authority: 2013 Iowa Acts chapter 100 (Iowa Agricultural Development Authority Transfer Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: No fiscal impact.

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Pharmacy Board

ARC 1406C

Rule Summary Revises the requirements for pharmacist-intern registration, the number of hours required, and reporting of completed internship training.

Agency Stated Authority: Iowa Code sections [147.76](#) and [155A.6](#).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1411C

Rule Summary Requires a pharmacist to perform a final verification for the accuracy, validity, completeness, and appropriateness of a patient's prescription or medication order prior to delivery to the patient or patient's representative. Also requires verification be documented and the record to be maintained by the pharmacy.

Agency Stated Authority: Iowa Code section [147.76](#).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. The rule change eliminates language ambiguity for current practices.

ARC 1408C

Rule Summary Temporarily classifies four synthetic cannabinoids and 10 synthetic cathinones as Schedule I controlled substances in compliance with recent revisions by the federal Department of Justice, Drug Enforcement Administration.

Agency Stated Authority: Iowa Code section [124.201](#).

Fiscal Impact **Agency Response:** No fiscal impact for the Board. However, the Board is unable to determine any fiscal impact to law enforcement, the judiciary, or corrections as a result of this filing.

LSA Response: The LSA concurs with the Board, but assumes general compliance by the public with laws and regulations. Thus, there is also no fiscal impact or very little fiscal impact to law enforcement, the judiciary, or corrections as a result of this filing.

ARC 1407C

Rule Summary Allows pharmacies flexibility with the date that the required annual inventory of controlled substances may be completed. Clarifies when a controlled substances inventory must be completed upon a change of ownership of a pharmacy.

Agency Stated Authority: Iowa Code sections [124.301](#) and [147.76](#).

Fiscal Impact **Agency Response:** No fiscal impact. These inventories are currently required, both under state and federal law. The proposed amendment clarifies the timeliness of completion of the inventories.

LSA Response: The LSA concurs.

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Insurance Division

ARC 1399C

Rule Summary Terminates ARC 1295C relating to the regulation of pharmacy benefits managers. The Iowa Insurance Division will renotify the proposed rules to incorporate further changes and clarifications to requirements under Iowa Administrative Code (IAC) chapter 59. Notice of Intended Action was published on January 22, 2014.

Agency Stated Authority: Iowa Code sections 507B.12 and 510B.3.

Fiscal Impact **Agency Response:** No fiscal impact to the State. This termination of proposed rule changes will not change current financial status.

LSA Response: The LSA concurs.

ARC 1412C

Rule Summary Sets forth and clarifies duties of insurers and pharmacy benefits managers. The changes deal with:

- Technical changes, clarifications, and edits.
- Errors in reimbursements and corrections of errors.
- Independent audits at the request of the pharmacy benefits manager or the pharmacy and payment for the audit by the losing party.
- Termination and suspension of contracts with the option of review by an independent third party.
- Price changes.
- Handling of complaints and reporting quarterly to the Insurance Division by the pharmacy benefits manager.
- Notification by the pharmacy benefits manager to the Insurance Commissioner about occurrences of fraud.
- Examination of pharmacy benefits managers' records by the Insurance Division and penalties.

Agency Stated Authority: Iowa Code sections 507B.12 and 510B.3 and chapters 17A, 505, 507, 510, 510B and 514L.

Fiscal Impact **Agency Response:** No fiscal impact to the State. Any changes in Division responsibilities can be absorbed by current staff.

LSA Response: The LSA concurs.

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Department of Public Health

ARC 1364C

Rule Summary Deletes outdated references, adopts references of the International Mechanical Code 2012 Edition, and inserts hospitals and health care facilities requirements regarding mechanical materials and methods.

Agency Stated Authority: Iowa Code section 105.4.

Fiscal Impact **Agency Response:** No fiscal impact. No additional costs to the regulated community or the State.

LSA Response: The LSA concurs that there will be no fiscal impact for the rules.

Rule Summary Adjusts references to be compatible with regulations recently adopted by the federal Nuclear Regulatory Commission. **ARC 1414C**

Agency Stated Authority: Iowa Code section 136C.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. The rule change will not require major changes in programmatic processes.

Rule Summary Adopts requirements to allow the use of work stations that meet additional criteria of by the federal United States Food and Drug Administration (FDA) digital mammography processes. Removes outdated references to film screen technology that are no longer in use for stereotactic breast biopsy procedures. Adds a reference to require adherence to quality control procedures outlined by new stereotactic breast biopsy equipment manufacturers. **ARC 1401C**

Agency Stated Authority: Iowa Code section 136C.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. The rule changes are technical.

Rule Summary Terminates the rulemaking commenced in ARC 1293C and renotices the proposed rules to further clarify the vision screening requirement for elementary school children. **ARC 1388C**

Agency Stated Authority: Senate File 419.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Rule Summary Allows the state registrar to retain any overpayment for Vital Records services in the amount of \$5 or less. This is a filed version of a prior noticed rule that was delayed 70-days by the Committee in October. **ARC 1402C**

Agency Stated Authority: Iowa Code sections 144.3 and 144.46.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs that there will be no fiscal impact for the rules. Overpayments are rare and infrequent.

ARC 1392C

Rule Summary Establishes rules for a medical residency training state matching grant program to include eligibility criteria and procedures for application for funding of an accredited graduate medical education residency program to receive a grant.

Agency Stated Authority: Iowa Code section 135.176.

Fiscal Impact **Agency Response:** Fiscal impact of \$100,000 annually based on need and usage. The program may be funded through the Health Care Workforce Shortage Fund, Medical Residency Training Account, and is specifically dedicated to the medical residency training state matching grants program.

LSA Response: The LSA concurs.

ARC 1403C

Rule Summary Deletes the word “department” and replaces it with “state appeals board.” The rule will require county medical examiners to submit requests for reimbursement for certain medical procedures to the State Appeals Board rather than DPH.

Agency Stated Authority: Iowa Code section 691.6.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. The rule changes are technical.

ARC 1404C

Rule Summary Corrects a technical oversight and updates the Iowa Emergency Medical Care Provider Scope of Practice to the July 2013 edits suggested by the Emergency Medical Services Advisory Council (EMSAC).

Agency Stated Authority: Iowa Code section 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. The rule changes are technical.

ARC 1405C

Rule Summary Identifies policies and procedures for monitoring participant usage and the enforcement of compliance standards, processes that patients may choose to opt-out of participation in the Iowa Health Information Network (IHIN), process for patients to choose to opt back in, notice of violation of confidentiality, and how patients request and receive an audit report.

Agency Stated Authority: Iowa Code section 135.156B.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Racing and Gaming Commission

ARC 1393C

Rule Summary Provides for the following:

- Modifies term limits for the Commission chairperson from a maximum of two consecutive one-year full terms to four consecutive one-year terms.

- Specifies the most recent Robert’s Rules of Order Revised will be used during specified cases.
- Creates specificity for Advanced Deposit Wagering License applications.
- Creates specificity for the Asset/Stock Purchase for Commission Approval form.
- Removes the reduced fee for subsequent applications for a racing, gambling structure, or excursion gambling boat license application. The fee was reduced from the original amount of \$25,000 to \$5,000.
- Modifies format for consistency.
- Clarifies a required fee for a Manufacturer and Distributor License Application by specifying a license fee of \$1,000 for a distributor and \$250 for a manufacturer.
- Clarifies the requirement that a licensee must have a first-aid room.

Agency Stated Authority: Iowa Code sections 99D.7 and 99F.4.

Fiscal Impact **Agency Response:** No fiscal impact to State.

LSA Response: The LSA concurs.

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Department of Revenue

ARC 1362C

Rule Summary Makes changes to implement 2013 Iowa Acts, House File 640 (Gasoline Terminals, Sale of Nonblended Fuel) including:

- Updates references to the Iowa Code.
- Adds an explanation of how the penalty rules apply when multiple vehicles in violation of the rule are discovered during one inspection.
- Explains the penalty and enforcement for violations of a distributor or dealer’s right to blend certain fuel types.
- Adds a definitions of “conventional blendstock for oxygenate blending,” “diesel fuel” or “diesel,” “ethanol distribution percentage,” “nonrefiner biofuel manufacturer,” “refiner,” and “terminal owner.”
- Extends the tax rate for gasoline, ethanol blended gasoline, and E-85 gasoline through FY 2014 and clarifies the ethanol distribution percentage.
- Specifies what a dealer, distributor, blender, or manufacturer may not be required to do and provides a penalty.

Agency Stated Authority: Iowa Code sections 17A.3, 421.17 and House File 640.

Fiscal Impact **Agency Response:** There is no fiscal impact to the General Fund. The Department of Transportation anticipates that the extension of the motor fuel rate as a result of 2013 HF 640 will result in a decrease of \$7.7 million in the Road Use Tax Fund for FY 2014.

LSA Response: The fiscal impact is associated with the changes to the Iowa Code rather than the changes in the administrative rules.

ARC 1382C

Rule Summary Defines persons and properties eligible for the new business property tax credit and specifies how the tax credit will be applied to the tax bill of eligible parcels and units. The 2013 Iowa Acts, SF 295 (Division I) creates a new business property tax credit available to properties classified as commercial, industrial, or railroad.

Agency Stated Authority: SF 295 (Property Tax and Income Tax Credit Act).

Fiscal Impact **Agency Response:** The rules implement a new property tax credit available to properties classified as commercial, industrial, or railroad. A standing State General Fund appropriation is created to fund the new credit. The appropriation is equal to \$50.0 million for FY 2015, \$100.0 million for FY 2016, and \$125.0 million for FY 2017 and after. The fiscal note for SF 295 may be found at: https://www.legis.iowa.gov/DOCS/FiscalNotes/85_1464SVv2_FN.pdf

LSA Response: As enacted in SF 295, the new business property tax credit reduces the property taxes owed on every eligible parcel or unit of commercial, industrial, and railroad property in the State. The property tax reduction will begin in FY 2015 and first applies to property taxes due in the fall of 2014 and the spring of 2015. Senate File 295 also creates a standing limited General Fund appropriation to fund the new tax credit. The annual appropriation is equal to:

- FY 2015 - \$ 50.0 million
- FY 2016 - \$100.0 million
- FY 2017 and after - \$125.0 million

The standing appropriation fully funds the tax credit, so there is no direct impact on local government finance. Should a future General Assembly increase or decrease the standing appropriation, the maximum tax benefit for eligible property tax payers will increase or decrease accordingly.

ARC 1363C

Rule Summary Adds a new chapter of administrative rules specifying the Department of Revenue's responsibilities for administering the sales tax and hotel motel tax increment calculation and distribution for the Reinvestment District Program. The Iowa Economic Development Authority has the primary responsibility for administering the Program. The chapter includes:

- A statement of purpose and description of the Program.
- Definitions.
- State sales tax calculations to be done quarterly as related to new retail establishments and new lessors.
- Municipalities' responsibility to identify new establishments.
- Establishment of the State Reinvestment District Fund in the State Treasury, including district accounts, deposit requirements, use of the funds, audits, and cessation of deposits with district dissolution.

Agency Stated Authority: Iowa Code sections 17A.3, 421.17, and 15J.8.

Fiscal Impact **Agency Response:** The number, composition, and timing of projects are unknown. The fiscal note was based on estimated taxable sales and growth factors forecasted by Moody's Analytics. The program is capped at \$100.0 million, and the life of the program is 20 years.

LSA Response: The LSA concurs. The fiscal impact is associated with the changes to the Iowa Code rather than the changes in the Iowa administrative rules.

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Treasurer of State

ARC 1383C

Rule Summary Updates rules to comply with Iowa Code and reflects changes in the market related to public funds custodial agreements.

Agency Stated Authority: Iowa Code section 12B.10C.

Fiscal Impact **Agency Response:** No fiscal impact to the State. Updates required provisions for inclusion in public funds custodial agreements. No new costs.

LSA Response: No fiscal impact.

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Utilities Division

ARC 1359C

Rule Summary Updates the Iowa Utilities Board's natural gas and electrical safety standards to comply with federal and national standards. Nonutility pipeline operators are required to file copies of required federal reports with the Iowa Utilities Board.

These amendments were noticed on November 13, 2013, as ARC 1169C. Changes were made by:

- Eliminating the changes for the competitive natural gas provider application for compressed natural gas vehicle fuel providers.
- Updating the contact information for the Board duty officer.
- Requiring the filing of incident reports by regulated public water utilities.
- Updating various dates.

Agency Stated Authority: Iowa Code sections 476.2, 476.8, 476.86, 476.87, 478.19, and 479.4.

Fiscal Impact **Agency Response:** No fiscal impact for the State. There will be no additional costs for the adoption of the federal and national standards since in most instances a utility must comply with those standards now.

LSA Response: The LSA concurs.

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Veterinary Medicine Board

ARC 1377C

Rule Summary Expands the current veterinarian requirements for prescribing, storing, and dispensing drugs and controlled substances. Provides additional veterinary requirements for the use of diagnostic imaging, administering anesthesia, safety and sanitation in veterinary facilities, proper disposal of waste materials, use of sterile surgical equipment, veterinary facility standards, and veterinary practice record keeping requirements.

Agency Stated Authority: Iowa Code section 169.5.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: No fiscal impact.

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Department of Agriculture and Land Stewardship

ARC 1381C

Rule Summary Amends rules related to financial statements and appraisals submitted by grain warehouse operators and grain dealers. The changes include:

- Allows the Department of Agriculture and Land Stewardship (DALs) to request additional financial information from grain warehouse operators and dealers on a monthly or quarterly basis if needed. The minimum request will include a balance sheet and income statement.
- Asset valuation appraisals on file with the Department are valid for three years and a new appraisal will be required after the expiration date. If a certified public accountant expresses concern on a licensee's ability to continue as a going concern, the Department will not allow an appraisal to be used to determine net worth or to determine the percentage of total liabilities to total assets.

Agency Stated Authority: Iowa Code section 203C.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: No fiscal impact. The Department's website provides additional information:
<http://www.iowaagriculture.gov/grainWarehouse/grainDealerLicensing.asp>.

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Voter Registration Commission

ARC 1361C

Rule Summary Revises the voter registration application adopted by the Voter Registration Commission as it pertains to individuals that have been convicted of felonies.

Agency Stated Authority: Iowa Code sections 17A.3, 47.1, 47.8, and 48A.11.

Fiscal Impact Agency Response: Fiscal impact of less than \$100,000 annually or \$500,000 over five years. County auditors, voter registration groups, and voter registration agencies will need to purchase or print new voter registration applications.

LSA Response: No fiscal impact for the State.

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County Finance Committee

ARC 1372C

Rule Summary Updates the source of recommendations in studies and reports by moving from the National Council of Government Accounting to the Government Accounting Standards Board (GASB). Updates terminology including reporting as required by GASB 65. Eliminates outdated language. The rules implement Iowa Code section 333A.4(1).

These amendments are identical to those published under the Notice of Intended Action as ARC 1136C on October 30, 2013.

Agency Stated Authority: Iowa Code chapter 333A.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

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Department of Management

ARC 1371C

Rule Summary Adopts technical changes, eliminates definitions, and updates addresses and phone numbers related to the following:

- Organization and Operations.
- Petitions for Rule Making.
- Declaratory Orders.
- Agency Procedures for Rule Making.
- Public Records and Fair Information Practices.
- Iowa Targeted Small Business Interim Guidelines.
- Local Government Innovation Fund Committee.

These amendments are identical to those published under Notice of Intended Action as ARC 1124C on October 16, 2013.

Agency Stated Authority: Iowa Code sections 8.6, 17A.9, 25.1, 22.11, and 25B.6.

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: The LSA concurs.

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Department of Transportation

ARC 1351C

Rule Summary Amends five Chapters concerning aviation. Changes include:

- Updates the contact information.
- Updates chapters to reflect current practices and provides consistency in documenting eligibility, application process and project review, approval and administration.

Agency Stated Authority: Iowa Code sections 307.1 and 307.12.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1350C

Rule Summary Adopts by reference the American Association of State Highway and Transportation Officials (AASHTO) Manual for Bridge Evaluation.

Agency Stated Authority: Iowa Code sections 307.10 and 307.12.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1395C

Rule Summary Rescinds Iowa Administrative Code Chapter 162 since all funds were used for the identified projects. This Chapter created a bridge fund to administer \$50.0 million for the repair or replacement of deficient bridges. These bridge projects were designed, constructed, and paid for within the prescribed time period.

Agency Stated Authority: Iowa Code sections 307.10 and 307.12.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Department of Workforce Development

ARC 1367C

Rule Summary Clarifies that vacation pay includes excused personal leave, paid time off, and annual leave payments, and are deductible from Unemployment Insurance Benefits.

Agency Stated Authority: Iowa Code chapter 96.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: Minimal fiscal impact. If an Unemployment Insurance recipient has paid time off benefits from an employer during the same time period, the rule change will cause a reduction in their benefits until the paid time off has been exhausted.

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Accountancy Examining Board

ARC 1360C

Rule Summary Allows a reinstated accountant licensee or an accountant changing status from inactive to active to use the alternate renewal cycle immediately at their next renewal cycle. Without this amendment, the licensee will not qualify to use this alternate continuing education cycle until four years after reinstatement or a change of status. This is consistent with how all other licensees are expected to maintain continuing education. This eliminates the four years of progressive educational requirements that a reinstated individual now must complete and removes unnecessary complexity in the renewal process.

These rule changes are identical to those published as ARC 1284C on January 28, 2014.

Agency Stated Authority: Iowa Code chapter 542.

Fiscal Impact **Agency Response:** No fiscal impact for the State. Any accountant licensee that wishes to reinstate a lapsed expired license will be able to use a rolling 120-hour continuing professional education (CPE) rather than starting new CPE. The option will be available at the first renewal cycle after reinstating or changing status.

LSA Response: The licensee is required to earn 120 hours of continuing education within the preceding three years without specifying a certain amount for each of the three years as under the current rules. The licensee pays the education provider directly for continuing education classes. No fees are charged by the Board or the State for continuing education of accountants.

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Employment Appeal Board

ARC 1358C

Rule Summary Permits parties to file unemployment insurance appeals online using a form available on the Iowa Workforce Development website.

Agency Stated Authority: Iowa Code section 10A.601(6).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: No fiscal impact.

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Professional Licensure Division

ARC 1397C

Rule Summary Updates the continuing education requirements for renewal of a speech pathology and audiology license and removes outdated language addressing examination requirements because the name of the national examination for licensure was changed.

Agency Stated Authority: Iowa Code section 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. The rule changes are technical.

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Real Estate Appraiser Examining Board

ARC 1410C

Rule Summary Updates several administrative items such as address, hours, and eliminates duplicity within the Board's rules. Provide guidelines to comply with federal changes. The changes include:

- Confirms the Iowa Real Estate Appraiser Examining Board as the State appraiser certifying agency in compliance with the federal Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) so that persons certified by the Board are authorized under federal law to provide appraisal services for federally-related transactions.
- Identifies new requirements for appraisers and associate appraisers, including criminal background checks, completion of specified coursework, and holding a bachelor's degree.
- Setting application deadlines.
- Submitting appraisal work products and work files.

Agency Stated Authority: Iowa Code section 543D.5.

Fiscal Impact **Agency Response:** No fiscal impact for the State can be identified. The Board will maintain compliance with FIRREA, and the appraisers in Iowa will maintain their national recognition as certified appraisers. There is no direct cost for these rules. An implied cost will be that an appraiser must have a bachelor's degree.

LSA Response: The LSA concurs. These rule changes do not affect the fees collected by the Board.

As background, there are 1,092 certified appraisers and 153 associate appraisers, including both active and inactive registrants. For individuals with “active” status, a certified appraiser pays a \$390 biennial fee and an associate appraiser pays a \$250 biennial fee. If inactive, the fee is \$130 for a certified appraiser and \$50 for an associate appraiser. All certified appraisers also are required by federal law to be on the National Registry. The fee of \$80 for an active certified appraiser is included in the State fee for each appraiser to be on the national registry. The Board forwards payments to the Appraisal Subcommittee for compliance. In FY 2013, revenue from appraisers licensing fees totaled \$223,901. Of that, \$146,891 was deposited in the State General Fund and \$77,010 was retained by the Board.

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Soil Conservation Division

ARC 1369C

Rule Summary Changes rules for money distributed from the Soil Conservation Cost Share Program for soil erosion projects in the Soil Conservation Division in the Department of Agriculture and Land Stewardship (DALs):

- Allows the Division to recall unused or unobligated cost share funds on December 31 each year.
- Permits soil conservation practices that receive cost share funds for projects at public lakes to be permanent structures.
- Allows landowners receiving a one-time payment of cost share funds for various management practices to use the funds for practices over a four-year period and requires a signed performance agreement.

Agency Stated Authority: Iowa Code section 161A.4(1).

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: No fiscal impact. The rule changes allow more flexibility for the Division to distribute Soil Conservation Cost Share funds. Funds not used by one Soil and Water Conservation District can be recalled and distributed to another District that will expend the funds.

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Commission on Volunteer Service

ARC 1386C

Rule Summary Revises procedures for the Retired Senior Volunteer Program to establish a new funding distribution formula, initially capping awards at \$300 per volunteer in FY 2016 and subsequently moving to an average cost per volunteer calculation in subsequent fiscal years. Reporting requirements, processes, and technical corrections are also made.

Agency Stated Authority: Iowa Code chapter 15H.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: No fiscal impact.

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