



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.

DEPARTMENT OF ADMINISTRATIVE SERVICES

ARC 4275B

Rule Summary The amendment exempts law enforcement officers of the Department of Public Safety (DPS) from the definition of “State driver”. The rule also cross references the exemption for drivers of authorized emergency vehicles from motor vehicle laws.

Fiscal Impact Minimal fiscal impact. The Department’s Risk Manager may be investigating a small number of additional accidents. The change does not have a significant fiscal impact to the State.

ARC 4248B

Rule Summary The amendment conforms the rules with federal requirements, including the following:

- Family and Medical Leave Act (FMLA) designated leave will run concurrently with workers’ compensation leave when the workers’ compensation absence is one that meets the FMLA criteria, whether or not the employee chooses to supplement workers’ compensation payments with paid leave.
- The 18-month period of continuation of employer-sponsored health care coverage provided under COBRA is changed to 24 months for employees who leave their jobs to perform military service.
- A third amendment clarifies military leave rules. The time of military service is included with the number of hours worked in State employment when determining a veteran’s eligibility for FMLA leave based on working 1250 hours in the past 12 months.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 4247B

Rule Summary The proposed amendment strikes an exception to the requirement of nameplates on anhydrous ammonia tanks and adds a new rule pertaining to the certification/re-nameplating of anhydrous ammonia applicators and nurse tanks with unreadable or missing nameplates under the jurisdiction of the Department of Agriculture and Land

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Stewardship. This proposed rule has delegated the certification/re-nameplating process to firms that hold a valid R-stamp, in compliance with the current edition of the National Board Inspection Code. The Federal Department of Transportation regulations require legible nameplates on applicators and nurse tanks.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

IOWA CAPITAL INVESTMENT BOARD

ARC 4221B

Rule Summary Implements Senate File 114 (Capital Investment Board Tax Credits), which provides for changes in the contingent tax credits administered by the Iowa Capital Investment Board relating to investments in the Iowa Fund of funds organized by the Iowa Capital Investment Corporation.

Administering the tax credits issued by the Iowa Capital Investment Board will be done by the Department of Revenue pursuant to an Administrative Services agreement between the Department and the Board. The contingent tax credits are limited to \$100 million, with no more than \$20 million being redeemed in any one year. Issuing the tax credit certificates will be part of the normal job duties of the Department in accordance with the Administrative Services agreement.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Russell Trimble (Ext. 14613)

DEPARTMENT OF EDUCATION

ARC 4213B

Rule Summary Clarifies for the public the proscription of sales to regulated persons and groups, as provided in Section 68B.4, Code of Iowa. Terminated.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF ELDER AFFAIRS

ARC 4280B

Rule Summary Proposed amendment eliminates the Department's responsibilities relating to the Retired Senior Volunteer Programs (RSVPs). This is in compliance with HF 478 (Commission on Volunteer Service Act), which was enacted during the 2005 Legislative Session and transferred these responsibilities to the Commission on Volunteer Service in the Governor's Office.

Fiscal Impact The Department's General Fund appropriation currently provides an estimated \$174,000 to 25 local RSVPs. House File 825 (FY 2006 Health and Human Services Appropriations Act) requires the Department to transfer this amount to the Commission on Volunteer Service within the Governor's Office for this purpose in FY 2006.

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ARC 4055B ARC 4279B

Rule Summary Terminates the proposed rule changes previously noticed in ARC 4055B relating to medication provisions for adult day services programs due to the enactment of HF 587 (Adult Day Services Regulation Act) during the 2005 Legislative Session. The Act eliminated the need for the language proposed by this rule change.

Fiscal Impact No fiscal impact.

ARC 4054B ARC 4278B

Rule Summary Terminates the proposed rule changes previously noticed in ARC 4054B relating to medication provisions for assisted living programs due to the enactment of HF 585 (Assisted Living Regulation Act) during the 2005 Legislative Session. The Act eliminated the need for the language proposed by this rule change.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

ENGINEERING AND LAND SURVEYING BOARD - PROFESSIONAL LICENSING DIVISION, DEPARTMENT OF COMMERCE

ARC 4218B

Rule Summary The amendments clarify the application process, changes the due dates for applications to allow the Board more time to do a review, allows the Board office to send expiration notices by regular mail, and clarifies terms used in the exam application process.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

ENVIRONMENTAL PROTECTION COMMISSION - DEPARTMENT OF NATURAL RESOURCES

ARC 4238B

Rule Summary Changes rules related to air pollution, including:

- Adds the definition of “untreated” for wood and vegetative products.
- Updates the definition for “volatile organic compound”.
- Clarifies the variance rules.
- Clarifies rules regarding licensing requirements for engineers submitting construction permit applications.
- Adds the office address for mailing a notification of ownership change for construction permits.
- Amends the definition for “hazardous air pollutant”.
- Reduces the number of copies of Title V applications required.
- Reduces the number of copies of Acid Rain applications required.
- Specifies the notification requirements for changes in facilities ownership subject to voluntary operating permit requirements.
- Updates the date references to match the changes to the 40 Code of Federal Regulations.
- Adopts by reference four recently promulgated federal National Emission Standards for Hazardous Air Pollutants (NESHAPS).

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Fiscal Impact Minimal fiscal impact to the State. This adopts federal emission standards for hazardous air pollutants. Owners and operators are required to adopt federal requirements; therefore, there is a minimal fiscal impact to industry. A potential cost savings may be experienced by businesses as the federal rules include a de-listing of four compounds previously classified as “Volatile Organic Compounds” and one compound previously classified as a “Hazardous Air Pollutant”. As the compounds are no longer regulated, some businesses may no longer require construction or operating permits, or emission control equipment.

ARC 4241B

Rule Summary Terminates the Notice of Intended Action that added the Chemplex Superfund site located near Clinton as a protected groundwater source.

Fiscal Impact No fiscal impact.

ARC 4240B

Rule Summary Terminates the Notice of Intended Action that adopted federal amendments for concentrated animal feeding operations. A recent court ruling will require changes to the federal rules which in turn will change the rules in Iowa. The Notice was terminated due to the changes and time constraints.

Fiscal Impact No fiscal impact.

ARC 4239B

Rule Summary Consolidates referenced requirements and planning procedures for solid waste comprehensive planning. This allows planning areas to focus on program implementation rather than completion of solid waste comprehensive plans.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

ETHICS AND CAMPAIGN DISCLOSURE BOARD

ARC 4255B

Rule Summary Clarifies that elections of Board officers shall take place on an annual basis at the Board’s first meeting after April 30.

Fiscal Impact No fiscal impact.

ARC 4254B

Rule Summary Clarifies the Board’s own code of ethics that members and staff of the Board may attend and participate in a presidential caucus.

Fiscal Impact No fiscal impact.

ARC 4250B

Rule Summary Places into rule the current Board policies concerning the filing of Iowa Election Campaign Fund reports by the State political parties.

Fiscal Impact No fiscal impact.

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Rule Summary	Reflects the change in law by the 2005 General Assembly that repealed the prohibition on county central committees from being able to dissolve.	ARC 4261B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies that under the State campaign laws and Board rules on campaigning, the definition of “candidate” includes judges and judicial employees who are required to stand for retention.	ARC 4252B
Fiscal Impact	No fiscal impact.	
Rule Summary	Reflects the change in law by the 2005 General Assembly that amended the definition of “consultant” to include persons who do work for every type of campaign committee. Also requires every type of committee to file a Schedule G reflecting activities related to the consultant.	ARC 4263B
Fiscal Impact	No fiscal impact.	
Rule Summary	Reflects the change in law by the 2005 General Assembly that added advocating for or against the nomination of a candidate to the list of requirements for filing an independent expenditure statement.	ARC 4262B
Fiscal Impact	No fiscal impact.	
Rule Summary	Consolidates four current Board rules into two rules and reflects current Board policies on campaign committee dissolutions.	ARC 4249B
Fiscal Impact	No fiscal impact.	
Rule Summary	Reflects the change in law by the 2005 General Assembly that prohibits a member of the Governor’s Office from selling goods or services to a lobbyist without complying with the proper procedure and obtaining consent.	ARC 4264B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies the prohibition on executive branch officials and employees receiving an honorarium from restricted donors.	ARC 4251B
Fiscal Impact	No fiscal impact.	
Rule Summary	Permits a lobbyist who is also a candidate for State office to make campaign contributions to the lobbyist’s own campaign during a legislative session.	ARC 4253B
Fiscal Impact	No fiscal impact.	

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IOWA FINANCE AUTHORITY

ARC 4281B

Rule Summary Replaces the current Qualified Allocation Plan for the Low-Income Housing Tax Credit Program with the 2006 Qualified Allocation Plan which is incorporated by reference in rule 12.1(16). The Qualified Allocation Plan sets forth the purpose of the plan, the administrative information required for participation in the Program, the threshold criteria, the selection criteria, the post-reservation requirements, the appeal process, and the compliance monitoring component. The Plan also establishes the fees for filing an application for low-income housing tax credits and for compliance monitoring.

Fiscal Impact The 2006 Plan is substantially the same as the 2005 Plan, with certain changes being proposed to improve the Program and make for a more efficient allocation process. One proposed change is an increase in the compliance monitoring fee, from \$15 per unit times the total compliance period to \$17 per unit times the total compliance period. The estimated fiscal impact of this \$2 increase per unit is approximately \$60,000.

STAFF CONTACT: Russell Trimble (Ext. 14613)

DEPARTMENT OF HUMAN SERVICES

ARC 4225B

Rule Summary Makes various changes to the Family Investment Program (FIP) and PROMISE JOBS Program, including requiring a FIP child, over age 16 to remain in PROMISE JOBS after they have re-enrolled in school after dropping out.

Fiscal Impact Minimal fiscal impact.

ARC 4223B

Rule Summary Terminates the Family Respite Care Services Program for children with mental retardation or developmental disabilities. Due to the changes within the Child Welfare Redesign, these families will no longer be eligible for these services.

Fiscal Impact In FY 2005, \$200,000 State Funds were expended in FY 2005. In FY 2006, these funds will be reallocated to other Child Welfare activities.

STAFF CONTACT: Lisa Burk (Ext. 17942) Sue Lerdal (Ext. 17794) Jennifer Vermeer (Ext. 14611)

DEPARTMENT OF INSPECTIONS AND APPEALS

ARC 4205B

Rule Summary The proposed amendments make technical corrections by changing the name of the Care Review Committee to the Resident Advocate Committee, clarifying the acceptable temperature for dishwashing machines used in some residential care facilities, rewriting the service plan requirements for the admission of residents into a residential care facility, and modifying the medication administration rules to allow certified medication managers to administer medications in certain facilities.

Fiscal Impact No fiscal impact.

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ARC 4206B

Rule Summary The proposed amendments correct a typographical error in the frequency with which resident progress notes are to be recorded by a nursing facility's activity coordinator, and change the name of the Care Review Committee to the Resident Advocate Committee pursuant to Code of Iowa section 135C.25.

Fiscal Impact No fiscal impact.

ARC 4207B

Rule Summary The proposed amendments update the Department's rules to reflect the current edition of the Food and Drug Administration's (FDA) Model Food Code, the American Institute of Architects Guidelines for Construction and Equipment of Hospital and Medical Facilities, and the Code of Federal Regulations (CFR). The proposed amendments also make technical changes to the designation of critical access hospitals by stipulating those Iowa counties that are not considered rural.

Fiscal Impact No fiscal impact

STAFF CONTACT: Douglas Wulf (Ext. 13250)

INSURANCE DIVISION - DEPARTMENT OF COMMERCE

ARC 4222B

Rule Summary The new chapter supplements existing regulations on life insurance policies in order to accommodate the development of universal life insurance policies. This amendment makes several changes to the documents insurers are required to give to purchasers.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

LABOR SERVICES DIVISION – DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 4273B

Rule Summary The amendments are intended to update fees charged for enforcement of Chapter 89A (Elevators), Code of Iowa. These amendments are proposed in order to reflect economic changes since these rules were last amended and to provide adequate funding for enforcement of the Code Chapter.

Fiscal Impact The Legislative Services Agency has not received a fiscal impact statement from the Division, however, in the Administrative Bulletin, the Division claims there is no significant fiscal impact.

ARC 4274B

Rule Summary The amendment is intended to facilitate the alteration and inspection of elevators, and proposes to clarify for inspectors, owners, and those responsible for alterations of elevators what changes to an elevator will result in that elevator being deemed a new facility for purposes of the standards it must meet.

Fiscal Impact The Legislative Services Agency has not received a fiscal impact statement from the Division, however, in the Administrative Bulletin, the Division claims there is no significant fiscal impact.

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ARC 4219B

Rule Summary These amendments are intended to update fees charged for enforcement of Chapter 89 (Boilers and Unfired Steam Pressure Vessels), Code of Iowa. These amendments are proposed in order to reflect economic changes since this rule was last amended and to provide adequate funding for enforcement of Iowa Code Chapter 89.

Fiscal Impact The Legislative Services Agency has not received a fiscal impact statement from the Division, however, in the Administrative Bulletin, the Division claims there is no significant fiscal impact.

STAFF CONTACT: Russell Trimble (Ext. 14613)

MEDICAL EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

ARC 4276B

Rule Summary Proposed amendment gives the Board the authority to order a clinical competency examination on a physician when probable cause exists. This implements the provision in HF 789 (Department of Public Health Omnibus Act) that was enacted during the 2005 Legislative Session.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

NATURAL RESOURCE COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 4237B

Rule Summary Revises and renews Iowa's dock rules. These dock-permitting standards; fee schedules, and public classification of docks.

Fiscal Impact Minimal fiscal impact.

ARC 4242B

Rule Summary Changes rules related to barge fleeting. The overall fee increase will be 20.0% and phased in over the next five years. The annual increase will be in accordance with the Consumer Price Index. Regulates the practice of barge fleeting to protect:

- Public and private interests of public waters of the State of Iowa under the jurisdiction of the Natural Resource Commission.
- Public health safety and welfare
- Fish and wildlife habitat.

Fiscal Impact Minimal fiscal impact. The fee increase will generate between \$20,000 and \$25,000 per year.

ARC 4243B

Rule Summary Regulates leases for private use of public property for land and water under the jurisdiction of the Natural Resource Commission. Eliminates lease fee discounts in the first and second year. The majority of lease fees will have an increase of \$1,000 or less. The Director can adjust the fees if not satisfied. Lease fees will be determined using the following factors:

- Adjoining private property and the property value.
- Size of leased land.

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- Market value of the land.

Fiscal Impact Estimated fiscal impact is \$100,000 as total lease fees will increase. There are 47 leases that exist with one lease contributing approximately \$92,000 of the estimated lease increase. Most lease increases will be \$1,000 or less annually.

ARC 4236B

Rule Summary Establishes a buoy-marked “ski zone” on a portion of Little River Lake in Decatur County. In addition, the rule would establish a no-wake zone on a portion of the Mississippi River in Clayton County known as Johnson Slough to protect the integrity of the shoreline and historic Federal site known as Effigy Mounds.

Fiscal Impact No fiscal impact.

ARC 4214B

Rule Summary Establishes rules for compliance and inspection of excursion boats for gambling. The boats are no longer under navigation and are designated as moored vessels.

Fiscal Impact No fiscal impact.

ARC 4234B

Rule Summary Specifies times that portable blinds must be removed from Game Management Areas to one hour after sunset instead of one half hour.

Fiscal Impact No fiscal impact.

ARC 4235B

Rule Summary Creates a temporary wildlife refuge at the Kellerton Prairie Chicken Management Area during the breeding season to keep humans at a distance during the prairie chicken breeding season. A viewing platform with spotting telescopes is still available for viewing.

Fiscal Impact No fiscal impact.

ARC 4233B

Rule Summary Changes language related to tagging requirements for nonresident deer hunters. This language will now be consistent with tagging requirements for resident deer hunters.

Fiscal Impact No fiscal impact.

ARC 4232B

Rule Summary Opens new zones for turkey hunting and increases license quotas for fall turkey hunting season. Permits the use of dogs in fall turkey hunting licenses.

Fiscal Impact Minimal fiscal impact. This change will increase turkey hunting license sales. If all licenses are purchased, it would generate additional income to the Fish and Wildlife Trust Fund, but the increase is estimated to be less than \$100,000. No additional expenses are anticipated.

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ARC 4231B
Rule Summary Establishes antlerless-only deer license quotas for the 2005-2006 deer season. Clarifies requirements to distinguish between antlered and antlerless deer and lengthens the January deer season.

Fiscal Impact Minimal fiscal impact. Antlerless license quotas are similar to last year. If all licenses are sold there will be a slight increase in revenue to the Fish and Wildlife Trust Fund.

ARC 4244B
Rule Summary Allows extended trapping on selected marshes designated by the DNR. Adds bobcat and wolf to the list of species with a continuously closed season.

Fiscal Impact Minimal fiscal impact. License fee revenue will be minimal to the DNR. Additional trapping opportunities will provide some additional income to trappers, however, that amount cannot be determined.

STAFF CONTACT: Debra Kozel (Ext. 16767)

NURSING BOARD - DEPARTMENT OF PUBLIC HEALTH

ARC 4106B
Rule Summary Provides for criminal background checks of new licensees, endorsement applicants, reactivations, and disciplined licensees, as well as provides for a fee to cover costs for checks conducted by the Division of Criminal Investigation (DCI) and the Federal Bureau of Investigation (FBI). The fees will be considered repayment receipts pursuant to Section 8.2, Code of Iowa.

Fiscal Impact There will be an estimated 3,500 new licensure applicants, reinstatements, or disciplined licensees that will pay an estimated \$50 fee for a criminal history background check, which will generate approximately \$175,000 each year that will be used to offset the cost of conducting the background checks.

ARC 4105B
Rule Summary Increases the nurse license renewal fee by \$7 per year for a total fee of \$120 for a three-year period. The fee is increased pursuant to Section 147.80, Code of Iowa, in order to set the fee based on the cost of sustaining the Board of Nursing and the actual cost of licensure.

Fiscal Impact The fee increase will generate additional revenues of approximately \$251,000 annually. Senate File 2298 (FY 2005 Omnibus Appropriations Act) permits the Board to retain 90.0% of any new fee increase after July 1, 2004, with the remaining 10.0% to be deposited into the General Fund. The General Fund will receive \$25,100.

ARC 4104B
Rule Summary Requires that a nurse must have taken the National Council Licensure Examination (NCLEX) or its predecessor examination in order to be issued a multi-state license and identifies an additional document that verifies legal residency for military personnel.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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PHARMACY EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

ARC 4266B

Rule Summary Amends the reference library requirements for general pharmacies to include the "Iowa Pharmacy Law and Information Manual."

Fiscal Impact No fiscal impact to the State. There will be a cost to pharmacies that currently do not maintain the Manual. The current cost of the Manual is \$150. The Iowa Pharmacy Association provides the Manual to member pharmacies at no additional cost. It is estimated that 200 (20.0%) of currently licensed pharmacies do not maintain the Manual, which would result in a fiscal impact of \$30,000.

ARC 4267B

Rule Summary Establishes criteria for the transfer of a prescription from one pharmacy to another. The amendment accepts transmission of prescription drug information between pharmacies engaged in centralized filling or processing activities pursuant to Chapter 18. Also, ensures a patient's right to choose pharmacy services by requiring a pharmacy to transfer the patient's prescription or refill information upon request of the patient or patient's caregiver pursuant to the requirements of the rule.

Fiscal Impact No fiscal impact.

ARC 4268B

Rule Summary Provides for the off-site preview and verification by a pharmacist of patient-specific drugs or devices ordered for a patient when the hospital pharmacy is closed.

Fiscal Impact No fiscal impact.

ARC 4269B

Rule Summary Amendments clarify the intent regarding electronic prescriptions and electronic signatures. The new rule 21.7 establishes requirements and limitations regarding electronically-prepared prescriptions, including requirements for utilization of security paper when an electronically-signed prescription is to be printed and delivered to the pharmacy for dispensing. Rule 21.9 is amended to provide for electronic signature on a prescription transmitted to the pharmacy via fax.

Fiscal Impact No fiscal impact.

ARC 4270B

Rule Summary The proposed amendment is intended to clarify requirements relating to a patient's choice of pharmacy services and secure computer-to-computer transmission of a prescription drug order.

Fiscal Impact No fiscal impact.

ARC 4271B

Rule Summary Amendments eliminate the list of drugs authorized to be included in an emergency drug supply provided by a pharmacy for a home health agency or hospice and provide that the pharmacy and the agency determine the drugs to be included in the emergency drug supply.

Fiscal Impact No fiscal impact.

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ARC 4272B

Rule Summary Amendments change the requirements for recovery contracts to include timely notification to the professional's or technician's employer if participation in the recovery program is due to illegal use, abuse, or diversion of drugs, including controlled substances. Also, amends program provider contract requirements regarding timely submission to the Board of periodic administrative and expenditure reports.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH

ARC 4259B

Rule Summary Physical and Occupational Therapy Examiners/Physical Therapy - Proposed amendments adopt a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Program.

Fiscal Impact No fiscal impact.

ARC 4260B

Rule Summary Physical and Occupational Therapy Examiners/Physical Therapy - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure, to post-continuing education audits following licensure; add grounds for disciplinary action, and establish the fee for reactivation.

Fiscal Impact No fiscal impact. The reactivation fee is the same as what would have been collected under the previous definition of reinstatement and no increase in these fees is anticipated.

ARC 4258B

Rule Summary Physical and Occupational Therapy Examiners/Occupational Therapy - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure, to post-continuing education audits following licensure; adds grounds for disciplinary action, and establishes the fee for reactivation.

Fiscal Impact No fiscal impact. The reactivation fee is the same as what would have been collected under the previous definition of reinstatement and no increase in these fees is anticipated.

ARC 4257B

Rule Summary Physical and Occupational Therapy Examiners/Occupational Therapy - Proposed amendments adopt a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Program.

Fiscal Impact No fiscal impact.

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	ARC 4201B
Rule Summary	Psychology Examiners - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure, to post-continuing education audits following licensure; adds grounds for disciplinary action, and establishes the fee for reactivation.
Fiscal Impact	No fiscal impact. The reactivation fee is the same as what would have been collected under the previous definition of reinstatement and no increase in these fees is anticipated.
	ARC 4200B
Rule Summary	Psychology Examiners - Proposed amendments adopt a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Program.
Fiscal Impact	No fiscal impact.
	ARC 4212B
Rule Summary	Respiratory Care Practitioners - Proposed amendments define licensure status as active or inactive, defines the process for license reactivation and reinstatement, changes from pre- and post-continuing education audits prior to licensure, to post-continuing education audits following licensure, adds grounds for disciplinary action, and establishes fees for reactivation.
Fiscal Impact	No fiscal impact. No estimate was provided for how much revenue would be generated by reactivation fees; however, it is anticipated to be minimal.
	ARC 4211B
Rule Summary	Respiratory Care Practitioners - Proposed amendments adopt a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contact with the Impaired Practitioner Program.
Fiscal Impact	No fiscal impact.
	ARC 4203B
Rule Summary	Social Work Examiners - Proposed amendments define licensure status as active or inactive, defines the process for license reactivation and reinstatement, changes from pre- and post-continuing education audits prior to licensure, to post-continuing education audits following licensure, adds grounds for disciplinary action, and establishes fees for reactivation.
Fiscal Impact	No fiscal impact. The reactivation fee is the same as what would have been collected under the previous definition of reinstatement and no increase in these fees is anticipated.
	ARC 4202B
Rule Summary	Social Work Examiners - Proposed amendments add language to clarify what is required in the application for initial license and license renewal; change the term "self-study" to independent study; and adopt a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Program.
Fiscal Impact	No fiscal impact.

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ARC 4217B

Rule Summary Speech Pathology and Audiology Examiners - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure, to post-continuing education audits following licensure; adds grounds for disciplinary action, and establishes the fee for reactivation.

Fiscal Impact No fiscal impact. The reactivation fee is the same as what would have been collected under the previous definition of reinstatement and no increase in these fees is anticipated.

ARC 4216B

Rule Summary Speech Pathology and Audiology Examiners - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure, to post-continuing education audits following licensure; add grounds for disciplinary action, and establish the fee for reactivation.

Fiscal Impact No fiscal impact. The reactivation fee is the same as what would have been collected under the previous definition of reinstatement and no increase in these fees is anticipated.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC HEALTH

ARC 4210B

Rule Summary Amendments authorize the Department to accept required reportable diseases by secure electronic means in addition to the current specified methods of mail, phone, or fax. Also, adds information regarding reportable cancers and how these are to be reported.

Fiscal Impact No fiscal impact.

ARC 4208B

Rule Summary Proposed amendments clarify policies for the new federal definition for a Women, Infants, and Children (WIC) only store; the date for initial visit determination; issuing the vendor notice of violation points; changing "suspension" to "disqualification," and adding violation points for providing incentive items to WIC participants who are not prior authorized by the Department.

Fiscal Impact No fiscal impact.

ARC 4209B

Rule Summary Proposed amendments update reference to the most current Scope of Practice, as well as allows Emergency Medical Services (EMS) students to perform clinical without clearance by the Bureau of EMS.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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DEPARTMENT OF PUBLIC SAFETY

ARC 4226B

Rule Summary The proposed rule rescinds requirements for a written test in the licensing process for bail enforcement, private investigation, and private security businesses.

Fiscal Impact No fiscal impact.

ARC 4256B

Rule Summary The proposed rule for fire safety requirements for health care facilities is amended to allow, under certain circumstances, the placement of alcohol-based hand rub dispensers in exit corridors. Nursing facilities which are not sprinklered will be required to have a single station battery-operated smoke detector in each resident's sleeping rooms and in each public area by May 24, 2006.

Fiscal Impact There is no fiscal impact for allowing dispensers in the exit corridors. There may be a minimal fiscal impact for the battery-operated smoke detectors. The cost per unit is anticipated to range between \$10 and \$20. The overall cost is estimated to be less than \$100,000 annually.

ARC 4229B

Rule Summary The proposed rule replaces Iowa Administrative Code Chapter 23 with a new Chapter 141 regarding digital recording equipment for closed circuit surveillance systems in gaming establishments.

Fiscal Impact There may be a minimal fiscal impact for the storage of recordings; however this is anticipated to be less than \$100,000 annually.

ARC 4228B and ARC 4227B

Rule Summary The proposed rule allows logbooks of retail sales of pseudoephedrine products to be maintained in electronic format, if the retailer is able to provide the same information in a printed format. The rule also provides instructions to cities and counties on reporting civil penalties assessed pursuant to the pseudoephedrine law, as required in SF 169 (Methamphetamine Act).

Fiscal Impact No fiscal impact.

ARC 4230B

Rule Summary The proposed rules would establish minimum training standards for all fire fighters in Iowa engaged in "structural" fire fighting. Structural fire fighting is defined as fire fighting in a hazardous environment which requires a self-contained breathing apparatus.

Fiscal Impact The overall cost is estimated to be approximately \$1.4 million. This assumes 450 training segments with 20 people per segment, and each segment costing approximately \$3,200. Approximately 9,000 fire fighters are estimated to need to complete Fire Fighter I training by July 1, 2010. The cost per year for this additional training is estimated to be \$240,000. The Fire Fighter Training Fund offsets tuition costs for training by volunteer firefighters. The FY 2006 proposed budget for the Volunteer Fire Fighter Training Fund is \$699,587, an increase of \$140,000 compared to estimated FY 2005. The Volunteer Fire Fighter Income Tax Check Off has approximately \$52,000 as of May 24. This money may also be used to offset the additional volunteer fire fighter training costs, however, it is too early to tell exactly how much money will be generated from this check off since it was new on this year's

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(2004) tax returns. In addition, the Paul Ryan Memorial Fire Fighter License Plate Fund generates approximately \$34,000 per year which is used to offset career and volunteer fire fighter training.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

REAL ESTATE COMMISSION - DEPARTMENT OF COMMERCE PROFESSIONAL LICENSING DIVISION

ARC 4215B

Rule Summary The rules are added to provide the Commission the authority to initiate a contested case to challenge qualifications for licensure after administratively processing an application.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF REVENUE

ARC 4277B

Rule Summary The amendments bring Iowa into compliance with the Streamlined Sales and Use Tax Agreement to the extent that its petition for admission into membership as a party to the Agreement will be favorably acted upon and Iowa can join the Agreement's Governing Board. The rule changes involve a definition of "load and leave" delivery of media; the tax holiday on clothing exemption; use of the lowest tax rate within a database; permissible categories of exemptions; a requirement of uniformity in the filing of returns and remittance of funds; allocation of bad debts; purchaser refund procedures; relief from liability for reliance on the Department's taxability matrix; effective dates of taxation rate increases or decreases when certain services are furnished; and with the prospective application of defining "retail sale" to include a lease or rental.

Fiscal Impact Enactment of the rules will not lead to any change in the revenue either collected or spent by this state. Only if the Streamlined Sales and Use Tax Agreement is entered into by the requisite number of states will any change in revenue collected be realized. If the Agreement becomes a reality and Iowa becomes a part of the agreement, the first year in which the Agreement is in effect, Iowa will collect between \$3.0 million and \$5.0 million in additional sales and use tax revenue.

STAFF CONTACT: Ron Robinson (Ext. 16256)

OFFICE OF STATE PUBLIC DEFENDER - DEPARTMENT OF INSPECTIONS AND APPEALS

ARC 4265B

Rule Summary Proposed amendments provide rules for the implementation of HF 683 (Representation of Parole Violators). Rules are filed emergency because HF 683 took effect upon enactment and has retroactive applicability dates. House File 683 was enacted May 4, 2005.

Fiscal Impact No significant fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

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DEPARTMENT OF TRANSPORTATION

ARC 4204B

Rule Summary Requires the Department of Transportation (DOT) to adopt rules requiring railroads in the State to provide reasonable and adequate access to first aid or medical treatment for employees injured in the course of employment.

Fiscal Impact No fiscal impact to the State. The impact on railroads should be minimal since the DOT believes that in most situations, railroads already provide reasonable medical care and adequate access to first aid or medical treatment, including first aid kits, for employees injured on the job.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION - DEPARTMENT OF COMMERCE

ARC 4220B

Rule Summary The proposed amendments specify information to be reported to the Board by any incumbent local exchange carrier (ILEC) that serves customers in the same territory as a competitive local exchange carrier (CLEC) with which it is affiliated. The ILEC will also have to include in its annual filing with the Board information about transactions with affiliated and non-affiliated CLECs. The amendments are proposed to help the Board monitor the effect of allowing affiliates to provide service in the same territory.

Fiscal Impact No fiscal impact to the State. Since telecommunications service providers with affiliates are already subject to reporting requirements, the cost of complying with this requirement is expected to be minimal.

STAFF CONTACT: Ron Robinson (Ext. 16256)
