



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 AGRICULTURE AND LAND STEWARDSHIP

ARC 4892B

Rule Summary Makes changes to the Farmer’s Market Nutrition programs to comply with federal law and to make other rule clarifications related to expenditures, client redemption, and vendor income.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

COLLEGE STUDENT AID COMMISSION

ARC 4870B

Rule Summary Changes the definition of “eligible rural community” as it relates to the Osteopathic Physician Recruitment Program administered by the College Student Aid Commission. Also, increases the award limit from \$40,000 to \$50,000. Under this Program, the local community provides matching funds.

Fiscal Impact No impact to the State General Fund. The cost of the Program is limited to the amount appropriated. Funds to increase the awards may be provided by reducing the number of applicants that receive awards or from repayments resulting from physicians that don’t fulfill the Iowa service requirement.

ARC 4869B

Rule Summary Makes changes to rules relating to the Work Study Program administered by the Commission. These rules were previously noticed as ARC 4597B. This change allows colleges and universities to avoid providing a 20.0% institutional match if a federal work-study match waiver has been obtained.

Fiscal Impact No fiscal impact.

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ARC 4868B

Rule Summary Makes a change to enrollment status language relating to the Nurse Shortage Forgivable Loan Program administered by the Commission. Also, adds the sentence “Full-time enrollment shall be defined by the college or university.” These rules were previously noticed as ARC 4596B.

NOTE: Section 261.23, subsections 2 and 3, Code of Iowa, state that students must be enrolled on a “full-time or part-time basis.”

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Shipman (Ext. 14617)

DENTAL EXAMINERS BOARD – DEPARTMENT OF PUBLIC HEALTH

ARC 4905B

Rule Summary Clarifies the sequence of services provided to new patients by a dental hygienist. Allows dental hygienists to provide services prior to the dentist examining the patient, as long as the services provided are rendered under direct or public health supervision. Also, requires that dentists conduct an examination of the new patient during the initial visit.

Fiscal Impact No fiscal impact.

ARC 4908B

Rule Summary Allows applicants for dental or dental hygiene licensure to complete the examination administered by the American Board of Dental Examiners, Inc. (ADEX) to qualify for dental or dental hygiene licensure by examination. Applicants for licensure by examination may also either take the Central Regional Dental Testing Service, Inc. (CRDTS) examination or the Western Regional Examining Board, Inc. (WREB) examination.

Fiscal Impact No fiscal impact.

ARC 4907B

Rule Summary Specifies that the cardiopulmonary resuscitation (CPR) course required for issuance, renewal, or reinstatement of a license, permit, or registration must include a clinical component.

Fiscal Impact No fiscal impact.

ARC 4906B

Rule Summary Clarifies procedures for the renewal and reinstatement of deep sedation/general anesthesia and conscious sedation permits.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF ECONOMIC DEVELOPMENT

ARC 4879B

Rule Summary Proposed amendments revise the method of distributing recaptured Community Development Block Grant (CDBG) funds and changes the application requirements.

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Fiscal Impact No fiscal impact. Since this changes the percentage allocation within the Community Development Block Grant, no fiscal impact is anticipated.

STAFF CONTACT: Ron Robinson (Ext. 16256)

BOARD OF EDUCATIONAL EXAMINERS

Rule Summary Requires licensure applicants from out of state to meet the same basic skills testing requirement currently mandated for applicants who complete a teacher preparation program through an Iowa institution. **ARC 4937B**

Fiscal Impact No fiscal impact.

Rule Summary Creates a non-renewable, two-year Class G license for those who have completed the course work in a school guidance counseling program and are completing a practicum or internship. **ARC 4940B**

Fiscal Impact No fiscal impact.

Rule Summary Extends the duration of a substitute teaching authorization from one year to three years and increases the number of credits needed for renewal from one to two units. **ARC 4939B**

Fiscal Impact No fiscal impact.

Rule Summary Changes the title from “Elementary school media specialist” to “Elementary school teacher librarian.” Future licenses will reflect this change in title. Makes other changes to terminology to reflect current practice and views. **ARC 4938B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

ENVIRONMENTAL PROTECTION COMMISSION – DEPARTMENT OF NATURAL RESOURCES

Rule Summary Amends Iowa’s Water Quality Standards and includes: **ARC 4897B**

- Eliminates the exceptions of the design low-flow requirement.
- Revises the general use classification.
- Designates as Class B(WW-1) Warm Water – Type 1 of all Iowa’s perennial rivers and streams and intermittent streams with perennial pools that are not currently designated.
- Designates as Class A1 – Primary Contact Recreational Use of all Iowa’s perennial rivers and streams and intermittent streams with perennial pools.

Fiscal Impact The Department of Natural Resources (DNR) estimates the additional costs to the Department to be \$75,000 per year and 1.5 FTE positions to perform field assessments and to prepare Use Attainability Analysis (UAA) reports. In addition, the DNR estimates the cost for additional field equipment at \$3,000 per year.

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Many facilities, both public and private, will have to upgrade at an estimated cost of between \$790.3 million and \$956.2 million Statewide. The estimate includes capital costs and interest over a 20-year period. The following table summarizes the estimated costs and is part of the detailed fiscal impact statement submitted by the DNR.

Water Quality Standards Fiscal Impact Summary			
High-Cost Scenario			
Rule Making Topic	Nitrification	Disinfection - Dechlorination	Total
Protected Flow	\$ 177,946,000	N/A	\$ 177,946,000
Rebuttal Presumption	716,583,000	\$ 50,100,000	766,683,000
Recreational Use Designation	N/A	11,550,000	11,550,000
Total High Cost	\$ 894,529,000	\$ 61,650,000	\$ 956,179,000
Low-Cost Scenario			
Protected Flow	\$ 134,011,000	N/A	\$ 134,011,000
Rebuttal Presumption	594,605,000	\$ 50,100,000	644,705,000
Recreational Use Designation	N/A	11,550,000	11,550,000
Total Low Cost	\$728,616,000	\$ 61,650,000	\$ 790,266,000
Total Cost Range: \$790.3 million to \$956.2 million			

N/A = Not applicable

ARC 4895B

Rule Summary

Amends the State's warm water aquatic life use designations and adopts protocol to assess and designate waterbodies for warm water aquatic life uses:

- Changes the current Class B(LR) use designation from Limited Resource Warm Water to Warm Water – Type 2 (Class B(WW-2)).
- Changes the current Class B(WW) use designation from Significant Resource Warm Water to Warm Water – Type 1 (Class B(WW-1)).
- Adds a new use designation titled Warm Water – Type 3 (Class B(WW-3)).
- Adds a new use designation titled Human Health (Class HH).
- Adopts the document entitled, "Warm Water Stream Use Assessment and Attainability Analysis Protocol," that details assessment methods for the warm water uses of streams.
- Establishes criteria for Dissolved Oxygen, chemical, and ammonia-nitrogen related to the new proposed use designation of Class B(WW-3) at the same level that is associated with the existing Class B(LR) use designation.
- Transfers all existing Class B(WW) designated waters to the new Class B(WW-1) use designation.
- Transfers all existing Class B(LR) designated waters to the new Class B(WW-2) use designation.
- Incorporates the proposed use designation classifications into the text of the Water Quality Standards.
- Adds Class HH to Table 1, Criteria for Chemical Constituents.

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- Transfers all Human Health – Fish Criteria for Class B(WW), B(LW), and B(CW) designated waters, and Human Health – Fish and Wildlife Criteria from Class C waters to Class HH.

Other Information: Iowa's current warm water aquatic life stream use designations, Class B(WW) and B(LR), include most designated warm waterbodies. The new Class B(WW-1) use designation will be defined similarly to the current significant resource warm water use designation. The new Class B(WW-2) use designation will be defined similarly to the current limited resource warm water use designation.

Fiscal Impact This rule adopts the protocol to assess and designate warm waterbodies. See ARC 4897B for the fiscal impact of changes to the Water Quality Standards.

Rule Summary **ARC 4898B**
Authorizes the Director of the Department of Natural Resources (DNR) to condition or deny a construction permit, to modify or disapprove a manure management plan, or to prohibit construction of a proposed confinement feeding operation at the proposed location if the Director concludes, after an evaluation by the Department, that the proposed confinement feeding operation or proposed expansion of a confinement feeding operation would reasonably be expected to cause the following: Pollution of a water of the State; violation of State water quality standards; or an unreasonable burden on natural resources or the environment due to the current concentration of confinement feeding operations or associated manure application fields in a specific area.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 4921B**
Provides technical corrections and additions to the list of major water sources – rivers and streams listed in Table 1 of Chapter 65. The corrections and additions provide a more consistent and accurate representation of these water sources for the State, as the current list is lacking some stream and river segments and was not consistently developed.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 4896B**
Allows a planning area to retain their autonomy while using a federally compliant sanitary landfill within another planning area for final disposal of all solid waste generated within the planning area. This rule implements HF 399 (FY 2006 Solid Waste Planning Areas Act).

Fiscal Impact No fiscal impact.

Rule Summary **ARC 4893B**
The proposed revisions eliminate the need for a permit to operate a centralized compost facility that is owned, operated, and serviced by a single farmer. Also, the revisions will provide well-defined operating parameters and allow Department compliance staff to more clearly enforce rule requirements for mortality composting.

Fiscal Impact No fiscal impact.

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ARC 4894B

Rule Summary Creates two new chapters with Chapter 211 focusing on financial assistance to regional collection centers and mobile unit collection centers. Chapter 123 will contain permit requirements for both collection centers.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

ETHICS AND CAMPAIGN DISCLOSURE BOARD

ARC 4919B

Rule Summary Adopts the current Board policy regarding a person voluntarily registering a campaign committee prior to exceeding the \$750 financial filing threshold to use the shorter “paid for by” attribution statement.

Fiscal Impact No fiscal impact to the State.

ARC 4918B

Rule Summary Adopts the current Board policy to remedy the failure to include on political materials a full and accurate “paid for by” attribution statement.

Fiscal Impact No fiscal impact to the State.

ARC 4920B

Rule Summary Reflects the Legislative mandate that the Board adopt rules establishing a procedure for officials of a regulatory agency to obtain consent when selling goods and services to a person subject to the regulatory authority of the agency.

Fiscal Impact There will be some fiscal impact as the regulatory agencies rescind their rules on this issue. The amount is estimated to be minimal.

STAFF CONTACT: Sam Leto (Ext. 16764)

DEPARTMENT OF HUMAN SERVICES

ARC 4934B

Rule Summary In accordance with legislation passed during the 2005 Legislative Session, the rule changes the eligibility rules for State Supplementary Assistance. The lower income limit for eligibility is reduced from 135.0% of the Federal Poverty Level (FPL) to 120.0% of the FPL, allowing the State to receive Federal Financial Participation (FFP) for the additional people. Also, these rules clarify the Medicaid eligibility requirement to specify full benefits as opposed to limited benefits, which are available through IowaCare, the family planning waiver, or the Medicaid savings program.

Fiscal Impact The fiscal impact is estimated to be \$49,000 each year in FY 2006 and FY 2007. New costs to the State include \$39,600 per year to pay each of the 3,300 eligible people \$1.00 per month and \$5,400 per year for increased Field Operations. The federal government will provide \$3,900 in matching funds for field operations per fiscal year and about \$2.0 million per fiscal year for the Medicare Premium Payment. These funds replace 100.0% State funds, which will off-set the new expenses.

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ARC 4899B
Rule Summary Amendments rescind rules for the defunct U.S. Department of Agriculture's Commodity Distribution Programs and adopt rules for the federal Emergency Food Assistance Program. The State contracts with organizations to operate distribution sites under this Program. The amendments address the procedure for contract eligibility and rules for contractor operations and oversight.

Fiscal Impact It will cost \$44 to eliminate one remaining commodities form.

ARC 4935B
Rule Summary These amendments update the methodology used for determining the Medicaid eligibility and financial participation of a married person residing in an institution while their spouse remains in the community. The rules increase the maximum amount that may be attributed to the community spouse from \$95,000 to \$99,500. The rules also increase the amount of the maintenance needs allowance for the community spouse from \$2,378 per month to \$2,489 per month. This change affects the amount of the Medicaid member's income that is considered available to be contributed toward the cost of their care in the medical facility.

Fiscal Impact The fiscal impact is estimated to be less than \$10,000 annually.

ARC 4889B
Rule Summary The proposed rules make the Department of Public Health a Medicaid provider for the purposes of receiving federal funds for lead investigation services.

Fiscal Impact The fiscal impact is an estimated \$4,000 for both FY 2007 and FY 2008.

ARC 4902B
Rule Summary The proposed rules eliminate the requirements for infant and toddler programs and local education agencies participating in Medicaid to certify that the nonfederal share of the costs of services under these programs is unrestricted public funds and is not federal funds. These programs use only local funds and not State Medicaid funds. Therefore, this requirement is no longer necessary.

Fiscal Impact No fiscal impact.

ARC 4901B
Rule Summary These proposed changes update rules regarding the distribution of payments from the Graduate Medical Education and Disproportionate Share Fund. They revise the distribution of payments to reflect FY 2006 claims data.

Fiscal Impact No fiscal impact.

ARC 4890B
Rule Summary These amendments change the rules on records requirements for Medicaid providers to eliminate duplication and clarify the rules. New requirements are added specifying a time limit on producing records when requested by Department representatives.

Fiscal Impact No fiscal impact.

ARC 4900B
Rule Summary The proposed rules change provisions for determining the amount that shall be withheld from the income of a person who is obligated to pay a delinquent child

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support obligation, as recommended by the Child Support Advisory Committee. The rules would increase the time allowed for paying off delinquent child support.

Fiscal Impact The cost to the General Fund is an estimated \$5,000 in FY 2006, \$25,000 in FY 2007, and \$29,000 in FY 2008. Because the rules would delay the repayment of child support, families receiving support would also experience a fiscal impact. This loss would be \$131,000 in FY 2007 and \$486,000 in FY 2008.

ARC 4936B

Rule Summary Allows the DHS to grant deemed certification status to a provider of rehabilitative treatment services under certain conditions.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942) Kerri Johannsen (Ext. 14611) Sue Lerdal (Ext. 17794)

INSURANCE DIVISION – DEPARTMENT OF COMMERCE

ARC 4941B

Rule Summary Authorizes the electronic delivery of accident and health group insurance certificates by health maintenance organizations (HMO) while guaranteeing that plan members still receive important information contained in group insurance certificates.

Fiscal Impact No fiscal impact to the State. It is estimated to reduce costs to HMO and group policyholders.

STAFF CONTACT: Sam Leto (Ext. 16764)

IOWA FINANCE AUTHORITY

ARC 4925B

Rule Summary The rules clarify and define the terms “abstract of title,” “nonpurchase product,” “title guaranty report of title,” “title search(es)” and “abstract,” as applied to refinanced or junior mortgages to facilitate mortgage lenders’ participation in the secondary market.

Fiscal Impact No fiscal impact.

ARC 4926B

Rule Summary Updates the allocation plan for the State Housing Trust Fund.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

ARC 4927B

Rule Summary The amendments establish the actuarially determined contribution rates for sheriffs and deputy sheriffs, and for members in a protection occupation to comply with the Code of Iowa.

Fiscal Impact Fiscal impact cannot be determined. Any material costs will be borne by IPERS.

STAFF CONTACT: Sam Leto (Ext. 16764)

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LABOR SERVICES DIVISION – DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 4942B
Rule Summary Updates Iowa's Occupational Safety and Health rules to conform to federal rules.

Fiscal Impact No fiscal impact.

ARC 4943B
Rule Summary Updates Iowa's occupational safety and health rules by revoking a slip-resistance provision in the steel erection standard before they go into effect.

Fiscal Impact No fiscal impact.

ARC 4944B
Rule Summary Adopts the current national standards relating to elevator safety, changes rules relating to posting operating permits in elevators, makes certain editorial corrections, and removes an exception for maintenance inspections on platform lifts with roped hydraulic pistons.

Fiscal Impact Fiscal Impact will be less than \$100,000 annually or \$500,000 over 5 years. The national codes are not a dramatic departure from the previously adopted versions of the codes. As a result of these rule changes, the Division of Labor Services will incur an additional cost of approximately \$10,000 for the purchase of copies of the standard books and for training inspection staff on the changes.

STAFF CONTACT: Ron Robinson (Ext. 16256)

LATINO AFFAIRS DIVISION – DEPARTMENT OF HUMAN RIGHTS

ARC 4930B
Rule Summary The amendment creates a qualification mechanism for Spanish interpreters working for administrative, health, and social service agencies, and the courts.

Fiscal Impact No fiscal impact to the State. A federal grant has been awarded by the Department of Labor in the amount of \$241,000, which provides funding for the interpreters.

STAFF CONTACT: Sam Leto (Ext. 16764)

LAW ENFORCEMENT ACADEMY

ARC 4863B
Rule Summary This rule updates current administrative rules to reflect the current State and national requirements for health training for law enforcement officers and jailers.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

MEDICAL EXAMINERS BOARD – DEPARTMENT OF PUBLIC HEALTH

ARC 4861B
Rule Summary Clarifies that a Board-ordered case dismissal is a public record.

Fiscal Impact No fiscal impact.

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ARC 4871B

Rule Summary Rescinds the current chapter for mandatory reporting and grounds for discipline and replaces it with five new chapters that contain few changes from the way the Board currently functions. The new chapters cover mandatory reporting, grounds for discipline, complaints and investigations, disciplinary hearing procedures, and licensure reinstatement after disciplinary action.

Fiscal Impact No fiscal impact.

ARC 4872B

Rule Summary Establishes collaborative drug therapy management between Iowa-licensed physicians and pharmacists in community and hospital settings. After a physician and pharmacist execute a protocol and submit it to the Board of Pharmacy Examiners, the protocol can be used to guide collaborative practice with patients who provide written consent. A hospital and therapeutics (P and T) committee may authorize hospital pharmacists to perform drug therapy management for inpatients or patients in a hospital's clinics through a hospital practice protocol. The rule outlines requirements for community and hospital practice protocols.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

NATURAL RESOURCE COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 4922B

Rule Summary Makes three changes to the rules regarding shovelnose sturgeon on the Mississippi River:

- Establishes size limits for harvesting.
- Establishes a harvest season.
- Specifies eggs or roe must remain intact with the shovelnose sturgeon while the commercial fisher is on the water.

Fiscal Impact Minimal fiscal impact.

ARC 4924B

Rule Summary Requires nonresident deer hunters to purchase an antlerless-only license when issued an any-deer license.

Fiscal Impact The estimated fiscal impact is an increase in revenue to the Fish and Wildlife Trust Fund of \$600,000 per year (6,000 licenses x \$100 fee). The Department of Natural Resources estimates an annual savings of up to \$20,000 due to not having to refund fees to unsuccessful applicants for any-sex deer licenses.

ARC 4923B

Rule Summary Adds procedures for handling injurious or over-abundant Canada geese to the nuisance animal control rules. The rule also qualifies private individuals to handle situations where Canada geese are posing a health or human safety threat.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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PHARMACY EXAMINERS BOARD – DEPARTMENT OF PUBLIC HEALTH

ARC 4880B

Rule Summary Establishes responsibility for pharmacist delegation of technical functions to a pharmacy technician and identifies physical presence requirements during performance of those functions. Also, establishes the responsibilities of the pharmacist in charge; identifies periods when a pharmacy technician may be working in the pharmacy department when the pharmacist is absent and identifies specific activities that may or may not be performed during those periods; clarifies the pharmacist's responsibility for review of medication orders in the hospital, including provisions relating to that review when an integrated electronic medical record system is utilized.

Fiscal Impact No fiscal impact.

ARC 4874B

Rule Summary Establishes criteria for collaborative drug therapy management by protocol between Iowa pharmacists and physicians in the community setting and by protocol approved by a hospital pharmacy and therapeutics committee for hospital in-patients and patients of a hospital's clinics.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PROFESSIONAL LICENSURE DIVISION – DEPARTMENT OF PUBLIC HEALTH

ARC 4915B

Rule Summary Barber Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening, and retains licensure overpayments.

Fiscal Impact No fiscal impact.

ARC 4912B

Rule Summary Barber Examiners – Increases the license renewal fee by \$10.00 per licensee. There are 1,361 licensees and licenses renewed every two years. House File 825 (FY 2006 Health and Human Services Appropriations Act) codified language that permits the Board to retain 90.0% of any new fee increase, with the remaining 10.0% deposited into the General Fund.

Also, corrects discipline rules by removing reference of a lapsed license and provides barbers whose license has been on inactive status with the opportunity to reactivate their license without re-taking the exam.

Fiscal Impact The fee increase will generate additional revenues of approximately \$14,000 annually. Of this, the Board will retain approximately \$12,600 (90.0%) and \$1,400 (10.0%) will be deposited into the General Fund.

ARC 4933B

Rule Summary Behavioral Science Examiners – Provides the Board with the ability to retain licensure overpayments of less than \$10.00 to reduce program administrative costs.

Fiscal Impact No fiscal impact.

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Rule Summary	Behavioral Science Examiners – Adopts licensee record-keeping procedures.	ARC 4932B
Fiscal Impact	No fiscal impact.	
Rule Summary	Behavioral Science Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening.	ARC 4931B
Fiscal Impact	No fiscal impact.	
Rule Summary	Chiropractic Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening and retain licensure overpayments.	ARC 4883B
Fiscal Impact	No fiscal impact.	
Rule Summary	Chiropractic Examiners – Increases the license renewal fee by \$20.00 per licensee. There are 1,414 licensees and licenses renewed every two years. House File 825 (FY 2006 Health and Human Services Appropriations Act) codified language that permits the Board to retain 90.0% of any new fee increase, with the remaining 10.0% deposited into the General Fund. Also, amends subrules to allow licensees who renew within six months of a new licensure cycle to wait until the subsequent renewal period; corrects discipline rules by removing references to a lapsed license; clarifies how many hours an instructor can claim for teaching a course; and provides for continuing education hour credit to be claimed for proctoring the national examination.	ARC 4882B
Fiscal Impact	The fee increase will generate additional revenues of approximately \$28,000 annually. Of this, the Board will retain approximately \$25,000 (90.0%), and \$3,000 (10.0%) will be deposited into the General Fund.	
Rule Summary	Chiropractic Examiners – Clarifies and modifies the Utilization and Cost Control Review (UCCR) Committee process.	ARC 4885B
Fiscal Impact	No fiscal impact.	
Rule Summary	Chiropractic Examiners – Provides the choice for chiropractors to obtain all continuing education hours by independent study.	ARC 4886B
Fiscal Impact	No fiscal impact.	
Rule Summary	Cosmetology Arts and Sciences Examiners – Provides the Board with the ability to retain licensure overpayments of less than \$10.00.	ARC 4913B
Fiscal Impact	No fiscal impact.	

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Rule Summary	Cosmetology Arts and Sciences Examiners – Deletes the requirement to take a separate examination covering Iowa law, except in cases of reactivation; clarifies the date that continuing education in the area of each procedure or device is required; addresses salon change of ownership requirements; defines salon and school display of licensure documents; defines salon owner and independent contractor responsibilities; defines whirlpool spa and other sanitation procedure requirements; and provides the Board with the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening.	ARC 4910B
Fiscal Impact	No fiscal impact.	
Rule Summary	Cosmetology Arts and Sciences Examiners – Deletes the requirement to take a separate exam covering Iowa law except in cases of reactivation; clarifies the date that continuing education in the area of each procedure is required; addresses salon change of ownership requirements; defines salon and school display of licensure documents; defines salon owner and independent contractor responsibilities; defines whirlpool spa sanitation procedure requirements and other salon sanitation requirements; and provides the Board with the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening.	ARC 4911B
Fiscal Impact	No fiscal impact.	
Rule Summary	Hearing Aid Dispenser Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening and retain licensure overpayments.	ARC 4914B
Fiscal Impact	No fiscal impact.	
Rule Summary	Nursing Home Administrator Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening and retain licensure overpayments of \$10.00 or less.	ARC 4867B
Fiscal Impact	No fiscal impact.	
Rule Summary	Nursing Home Administrator Examiners – Increases the license renewal fee by \$10.00 per licensee. There are 704 licensees and licenses renewed every two years. House File 825 (FY 2006 Health and Human Services Appropriations Act) codified language that permits the Board to retain 90.0% of any new fee increase, with the remaining 10.0% deposited into the General Fund. Also, corrects discipline rules by removing references to a lapsed license.	ARC 4865B
Fiscal Impact	The fee increase will generate additional revenues of approximately \$7,000 annually. Of this, the Board will retain \$6,300 (90.0%), and \$700 (10.0%) will be deposited into the General Fund.	
Rule Summary	Psychology Examiners – Provides the Board with the ability to retain licensure overpayments of \$10.00 or less to reduce program administrative costs.	ARC 4916B
Fiscal Impact	No fiscal impact.	

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ARC 4917B
Rule Summary Psychology Examiners – Clarifies that there are two examinations to pass for licensure and provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening.

Fiscal Impact No fiscal impact.

ARC 4884B
Rule Summary Respiratory Care Examiners – Provides the Board with the ability to retain licensure overpayments of \$10.00 or less.

Fiscal Impact No fiscal impact.

ARC 4881B
Rule Summary Respiratory Care Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening.

Fiscal Impact No fiscal impact.

ARC 4866B
Rule Summary Physician Assistant Examiners – Provides the Board with the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening; adds the requirement for physician assistants to notify the Board to identify their supervising physician at the time of reactivation; and provides the Board with the ability to retain licensure overpayments.

Fiscal Impact No fiscal impact.

ARC 4864B
Rule Summary Physician Assistant Examiners – Increases the license renewal fee by \$10.00 per licensee. There are 722 licensees and licenses renewed every two years. House File 825 (FY 2006 Health and Human Services Appropriations Act) codified language that permits the Board to retain 90.0% of any new fee increase, with the remaining 10.0% deposited into the General Fund. Also, corrects discipline rules by removing references to a lapsed license.

Fiscal Impact The fee increase will generate additional revenues of approximately \$17,000 annually. Of this, the Board will retain \$15,000 (90.0%), and \$2,000 (10.0%) will be deposited into the General Fund.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC SAFETY

ARC 4904B and ARC 4903B
Rule Summary This rule corrects inconsistencies, errors, and omissions in the State Fire Marshal's rules, including reinstating previously rescinded terms and rules.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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RACING AND GAMING COMMISSION

ARC 4873B

Rule Summary The rule changes include:

- Item 1 reestablishes a subrule that had been removed by mistake.
- Items 2 through 16 update existing rules to correspond with the national uniform rules of racing.
- Items 17 through 22 clarify intent, change requirements, or conform to technical compliance standards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

REAL ESTATE APPRAISER BOARD – PROFESSIONAL LICENSING AND REGULATION DIVISION, DEPARTMENT OF COMMERCE

ARC 4929B

Rule Summary Permits a person who has taken the required appraiser pre-licensing courses to register as an associate, and eliminates the examination requirement to obtain an associate's status.

Fiscal Impact No fiscal impact to the State.

STAFF CONTACT: Sam Leto (Ext. 16764)

BOARD OF REGENTS

ARC 4928B

Rule Summary Amends a variety of rules relating to the Board of Regents to update statutory references, delete outdated items, and reflect updated business practices.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Shipman (Ext. 14617)

DEPARTMENT OF REVENUE

ARC 4888B

Rule Summary The rule change allows the Director to approve a claim for property tax credit or rent reimbursement if the facts indicate that to not do so would present a hardship for the elderly or disabled claimant.

Fiscal Impact Minimal fiscal impact. Prior history of protests based on hardship cases indicates there will not be a significant cost to the State. There may be an increase in the number of protests once the county treasurers inform claimants that a hardship rule now exists. This would be to the benefit of the claimant.

ARC 4887B

Rule Summary These rules implement HF 868 (FY 2006 Grow Iowa Values Act). The Act provides for tax credits under the High Quality Job Creation Program, and for an Economic Development Region Revolving Fund tax credit.

Fiscal Impact The Innovative Renewable Energy Research tax credit would reduce General Fund revenues by an estimated \$1.0 million in FY 2007. Tax credits related to the High Quality Job Creation Program would reduce General Fund revenues by an estimated

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\$1.8 million in FY 2007. The reduction in revenue would grow to \$9.0 million for FY 2011 and beyond.

The Economic Development Region Revolving Fund tax credit will be \$2.0 million annually. This amount could vary in future fiscal years, depending on the amount of tax credits awarded in one fiscal year. House File 868 allows up to \$2.0 million annually in tax credits awarded, plus any unused tax credits from the previous fiscal year.

STAFF CONTACT: Jess Benson (Ext. 14613)

SECRETARY OF STATE

ARC 4875B

Rule Summary The amendment revises the instructions for the application form for a temporary waiver of accessibility requirements for polling places. The revised instructions increase the documentation required to apply for a waiver.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

SOIL CONSERVATION DIVISION – DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 4891B

Rule Summary Establishes Administrative Rules for the Watershed Improvement Review Board that was established in SF 200 (FY 2006 Watershed Improvement Review Board Act), and provides procedures related to the operations of the Board. To obtain a watershed grant, the grantee must be established as a non-profit entity, which includes Soil and Water Conservation Districts.

Fiscal Impact No fiscal impact. The Board received 46 grant applications requesting \$12.7 million, and approved 17 grant applications totaling \$4.7 million.

STAFF CONTACT: Debra Kozel (Ext. 16767)

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

ARC 4876B

Rule Summary The proposed rule reflects recent organizational changes within the Iowa Telecommunications and Technology Commission, and changes made by the General Assembly during the 2005 Legislative Session.

Fiscal Impact No fiscal impact.

ARC 4877B

Rule Summary The proposed rule adds residents of State facilities as authorized network users, and changes the category of expenses for fee allocation for telemedicine and federal government users.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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DEPARTMENT OF TRANSPORTATION

ARC 4862B

Rule Summary House File 674 (FY 2006 Road Use Tax Fund, Secondary Roads Act) designated a Secondary Road Fund Distribution Committee to develop a new methodology for distributing Secondary Road Fund and Farm-to-Market Road Fund moneys of counties. The Act allowed the Committee to adopt rules specifying the calculation of the distribution of Funds. The proposed rule adopts this calculation, provides for a five-year phase-in period, defines the process by which the calculation can be changed, and describes the organization and operation of the Secondary Road Fund Distribution Committee. The calculation was recommended in a report submitted by the Committee to the General Assembly in 2005.

Fiscal Impact No fiscal impact to the State. The amounts distributed from the Secondary Road Fund and Farm-to-Market Road Fund to the counties will change, as the distribution of moneys for each county will vary based on the new methodology. An estimated 53.0% of counties will experience an increase in the distribution of Secondary Road Fund and Farm-to-Market Road Fund dollars for FY 2007 and beyond, while an estimated 46.0% will experience a decrease from both funds.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION – DEPARTMENT OF COMMERCE

ARC 4878B

Rule Summary Adopts filing requirements and procedures to facilitate the Board's determination of whether an energy facility is eligible for the Wind Energy Production or Renewable Energy tax credits created by House File 882 (FY 2006 Standing Appropriations Act) and Senate File 390 (FY 2006 Alternate Energy Purchase Program Act) during the 2005 Legislative Session.

Fiscal Impact No fiscal impact to the Utilities Board.

STAFF CONTACT: Sam Leto (Ext. 16764)

DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 4909B

Rule Summary The proposed rule makes the following changes:

- Adds a new rule to conform to federal rules and to implement HF 764 (FY 2006 Unemployment, Employer Transfer of Experience Act). The rule allows the unemployment experience of the employer selling an organization, trade, or business, to be transferred to the acquiring employer for calculation of the unemployment tax rate.
- Makes clear that any payments of Unemployment Compensation will not be charged to the employer during the period in which the Department is processing a reversal.
- Makes clear the employee-leasing companies that provide workers primarily for construction will be classified as construction employers.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)
